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## DOCKET ENTRIES

68 Cr 99 (3)

The United States

v.

Pipefitters Local Union No. 562, etc., et al.

Date

Proceedings

1968

May 9 Indictment filed.

Order filed fixing bond of defts. Callanan, Lawler and Seaton in sum of \$1000 ea.

On separate praecipis filed by U. S. Atty., warrants issued for each of aforesaid defts. ret. forthwith.

On praecipe filed by U. S. Atty., summons issued to deft. Pipefitters Local Union 562, St. Louis, Mo., ret. June 3, 1968.

May 10 Separate bonds of defts. Callanan, Seaton and Lawler in sum of \$1,000 each, made returnable in Ct. 3 on June 3, filed (Raymond Salami—Surety on each bond).

May 13 Marshal's return to Summons filed; executed on Pipefitters Local Union No. 562 by delivery to Lawrence L. Callanan, its Business Mgr., on May 10, 1968.

Marshal's Return to Warrant of Arrest of Defendant Callanan filed; executed on deft. Calla-

nan on May 10, 1968, deft. released on \$1,000.00 bond.

Marshall's return to Warrant of Arrest of Defendant Lawler filed; executed on deft. Lawler on May 10, 1968, deft. released on \$1,000.00 bond.

Marshall's return to Warrant of Arrest of Defendant Seaton filed; executed on deft. Seaton on May 10, 1968, deft. released on \$1,000.00 bond.

June 3 Defendants Callanan and Lawler appear with James F. Nangle and Richard L. Daly, their attorneys, and defendant Seaton appears with James F. Nangle and Murry L. Randall, his attorneys.

Each defendant waives formal arraignment and enters plea of not guilty to Indictment. Defendants granted to July 31, 1968, to file contemplated motions and case set for trial on September 3, 1968.

June 21 Motion of defendants for return by the Government to the defendants of their records previously subpoenaed by the Government, filed. Argument requested.

June 24 Defendants' memo in support of motion for return by the Government to the defendants of defendants' records previously subpoenaed from them filed.

July 31 Motions of defendants (1) to dismiss Indictment (2) for discovery and inspection under Rule 16; (3) for bill of particulars; (4) to inspect Grand Jury minutes (5) to inspect all evidence in possession of the Government favorable to defendant; (6) for an indefinite continuance and (7) to strike, filed. Argument requested. Separate

motions of defendants Callanan; Lawler and Seaton, for a severance under Rule 14 FRCP, filed. Argument requested.

Aug. 1 All pending motions set for argument on Aug. 9; at 10 A.M. Counsel notified by BS.

Aug. 5 Joint memo of defendants in support of their motions to dismiss; brief on several discovery motions and brief on motion for severance filed and delivered to J. Regan.

Aug. 9 Motion of defts. to dismiss indictment argued and submitted. Motions of defts. for discovery and inspection under Rule 16; for bill of particulars; to inspect Grand Jury minutes; to inspect all evidence in possession of the Govt. favorable to defts.; to strike, for a severance, taken as submitted. Motion of defts. for an indefinite continuance heard, argued and submitted. Motion for return by the Govt. to defts. of defts' records previously subpoenaed from them argued and submitted. Plff's brief in opposition to several motions filed. Plff's motion for discovery and inspection pursuant to Rule 160 of FRCP filed. Plff's briefs in opposition to defts' motion for bill of particulars and to dismiss indictment filed.

Aug. 12 Marshal's return to Subpoena to Produce Document or Object filed, executed on Managing Editor, St. Louis Globe-Democrat, 8/8/68.

Marshal's return to Subpoena to Produce Document or Object filed, executed on Managing Editor, St. Louis Post Dispatch, 8/8/68.

Aug. 14 Order filed overruling motions of defts. for severance and separate trial.

Order filed overruling motions of defendants to dismiss indictment.

Order filed overruling motions of defts. for discovery and inspection.

Order filed overruling motions of defts. for bill of particulars.

Order filed overruling motions of defendants to inspect and copy Grand Jury minutes.

Order filed overruling motions of defts. to inspect all evidence in possession of the Govt. favorable to defts.

Order filed denying motions of defts for an indefinite continuance of the trial.

Order filed overruling motions of defts. to strike certain allegations of the Indictment.

Order filed on motions of defts for return by Govt. to defts. all records, previously subpoenaed. It having been shown by the Ct. that all said records have heretofore been returned to defts by the Govt., said motion hereby denied as moot.

Aug. 14 Copy of nine orders mailed to attorneys James F. Nangle, Richard L. Daly and Murry L. Randall.

Aug. 22 Marshal's returns to subpoenas filed. Executed on A. Bralosci, 8/19/68; executed on L. J. Andrews, 8/21/68; executed on C. Anagnost, 8/21/68.

Aug. 23 Order filed; each defendant is granted an additional two challenges, for a total of eighteen (18) which challenges may be exercised jointly; copy of order mailed by e. d. to attorneys of record Randall, Nangle & Daly and U. S. Attorney.

- Aug. 23 Marshal's return filed; subpoenas executed on Thomas Sory, Robert A. Durchek, Wm. M. Dooley, Patrick Becherer, Rather P. Avery, Geo. A. Miller, Charles R. Simmons, Jr., Alfred M. Smith, Forrest Snow, Ken Olivio, Joseph Ryan, John Ellison, all on 8-20-68.
- Aug. 27 Marshal's return filed; subpoenas executed on Bobby N. George, and Charles Binney on 8/24/68; and Jack Tebbs, on 8/24/68; on Larry J. Crawford and Albert McGinty on 8/25/68.
- Aug. 27 Renewed motion of defendants for continuance, filed; cause set for argument on Thursday Aug. 29, 1968, at 10:00 A. M.  
Transcript of proceedings had Aug. 9, 1968, filed by Official Court Reporter.
- Aug. 28 Marshal's returns filed; subpoenas executed on Dillon Ross, James R. Barnes, Marie C. Schulz, Gertrude Krost, Herbert Morissee, Jos. D. Weis, Albert W. Lakebrink, all on 8/26/68.
- Aug. 29 Marshal's return filed; subpoenas executed on C. L. Edwards 8/24/68 and on John G. Doran, Mrs. Blanche Helwig, and Hank Claubaugh, on 8/27/68.
- Aug. 29 Renewed motion of defendants for continuance argued, submitted and overruled; notice of ruling mailed by e. d. to attorneys Daly, Randall & Nangle and U. S. Attorney.
- Aug. 30 Marshal's returns filed; subpoenas executed on Leonard Barbour, Harold A. Foley, L. A. Thompson, Patricia Stieferman, and Edw. Steska, on 8/27/68 and on Eugene Wrobel and Robert G. Davis on 8/28/68.
- Sept. 3 James F. Nangle, Jr., withdraws entries of appearance previously filed and enters his appear-

ance as attorney for Pipefitters Local Union No. 562.

Comes Murry L. Randall and withdraws his appearance previously filed entered for the defts Seaton and reenters his appearance for the defts Local No. 562 and Lawler.

Norman S. London enters his appearance as atty for defts. Pipefitter Local Union No. 562 and as atty for Geo. Seaton.

Richard L. Daly withdraws the entries of appearance previously filed in this case and enters his appearance for Local No. 562 and Lawrence Callanan.

Deft. Local 562 appears with James F. Nangle, Murry L. Randall, Norman S. London and Richard L. Daly, its attys.; Deft. Lawler appears with Murry L. Randall; Deft. Seaton with Norman S. London, his atty.; and deft. Callanan with Richard L. Daly, his atty.

Defts having heretofore entered pleas of not guilty to Indictment and cause having been set for trial this day, parties announce ready.

Jury empaneled and alternate jurors Richard E. Nolle and Dwight Rodda empaneled. Jury and alternate jurors sworn. Plff's evidence commenced but not concluded.

pt. 3 Further proceedings on trial postponed until tomorrow at 9:00 A.M.

pt. 4 The defts' attys., trial jury, and alternate jurors heretofore empaneled and sworn on trial of this cause being present: Introduction of evidence in chief on behalf of the pltff is resumed but not concluded. Upon adjournment, ordered, fur-

ther proceedings postponed until tomorrow at 9:15 A.M.

Sept. 5 The defendants, their attorney and jury and alternate jurors heretofore empaneled being present, introduction of evidence in chief on behalf of the plaintiff on trial is resumed but not concluded. Upon adjournment, further proceedings ordered postponed until Monday, Sept. 9, 1968, at 9:00 A.M.

Sept. 5 Marshal's returns filed; subpoenas executed on to witness James Stiffler 9/1/68; on Emil C. Ender-

Sept. 9 muhle, Thomas Britton, Guy F. Richardson, Jr., on 8/30/68 and on James D. Kelley, Tom Williams, Chester A. Cieslak, Gene Marshall; Albert M. Fagan, Edward Beck, Thomas Lee Flynn, Jack J. Collom, Layne A. Mohr, John R. Menke, E. Gissing, on 8/31/68 and returned unexecuted on Robert R. Boxley and executed on Gerald R. Dillon 8/28/68; on Walter Seianas, A. W. Van Metter, and Tom L. Evans on 8/27/68; on Edward F. Steiner, George A. Greenfield, Roland B. Day, George Babaz, Harvard E. Borchardt, on 8/28/68; on John Greer, William Sonsler, R. Emmet Brodley, James Dale Blex, on 8/29/68; on Joseph Calvin Rardin, Thomas David, on August 30, 1968, and Jimmy G. Hendrickson, Dan Long, on 9/5/68, and subpoenas returned unexecuted on Wm. M. McCandless, Paul Porter and Peter T. Schoemann, subpoenas executed on: George T. Kelley, 9/4/68 and James A. Sassa, E. W. Stearns, and Richard Van Blon on 8/29/68.

Sept. 9 continued:

The defendant's attorney, jury and alternate jurors heretofore empaneled and sworn on trial being present introduction of evidence on behalf of the plaintiff on trial is resumed but not

concluded; further proceedings postponed until tomorrow at 9:00 A.M.

Sept. 10 The defendants attorneys, jury and alternate jurors heretofore sworn being present introduction of evidence in chief on behalf of the plaintiff on trial is resumed but not concluded; further proceedings postponed until tomorrow at 9:00 A.M.

Sept. 11 Marshal's return filed; subpoenas executed on Kenneth Worland on 8/28/68; on Angelo G. Geocaris on 8/29/68, George J. Laird, Molly Massi, Geo. James Laird on 8/30/68, Oran John Feidler on 8/31/68, Wayne F. Hobbs 9/1/68, on John W. Schuler on 9/3/68, George H. Charno on 9/3/68, John Crisan, Sr., on 9/4/68; Jim Skaggs, Edward Merrigan, John J. Whalen, on 9/5/68; Norman Baker and Peter T. Schoenemann on 9/6/68, Richard Maguire and Mrs. Chester W. Sarff on 9/7/68.

Sept. 11 Jury trial resumed; plaintiff's evidence resumed and concluded. Separate motions of defendants Callanan, Seaton, Law and Pipefitter Local Union No. 562 for judgment of acquittal filed at close of plaintiff's case presented and overruled. Further proceedings on trial postponed until tomorrow at 9:00 A.M.

Sept. 12 Jury trial resumed; evidence on behalf of defendants commenced. Further proceedings postponed until tomorrow at 9:00 A.M.

Sept. 12 Marshal's returns filed; subpoenas executed on John B. Seeck and Vincent J. Politio 9/8/68; Edw. McReake and Clark Matthews on 9/6/68; John P. O'Laughlin, and Gene Puhl on 9/7/68; and Frank Wyns on 9/7/68; Thomas Conroy,

Geo. Pantazi, and Walter E. Detrich on 9/9/68; Edward Langendorf could not be found and return unexecuted on Melton D. Harmon on instructions of U.S. Attorney.

Sept. 13 Jury trial resumed. Defendants' evidence resumed but not concluded and trial continued to Sept. 16, 1968, at 9:00 A.M.

Sept. 16 Jury trial resumed. Defendants' evidence resumed but not concluded and further proceedings on trial postponed until tomorrow at 9:00 A.M.

Sept. 17 Jury trial resumed. Defendants' evidence resumed and concluded. Motions of defendants Pipefitters, etc., Callanan, Lawler and Seaton for judgment of acquittal at close of all the evidence filed, submitted and denied. Further proceedings postponed until tomorrow at 10:00 A.M.

Sept. 18 Marshal's return filed; subpoena executed on Sal Catale on 9/9/68.

Sept. 18 Jury trial resumed. After arguments of counsel and charge by the Court, the jury retires to consider its verdict and alternate jurors Richard E. Nolle and Dwight Rodda are excused from further consideration of this case; thereafter, the jury not having reached a verdict at the hour of 11:15 P.M., it is impounded by the Court to the custody of Duane Caldwell, U.S. Marshal and Charles Lovell, Court Bailiff and said parties take the prescribed oath to keep said jury in charge.

Sept. 19 Again come parties, counsel and jury empaneled and sworn on trial of cause; whereupon the jury retires to further deliberate upon its verdict;

thereafter, the jury returns into Court its verdict finding each of defendants Pipefitters Local No. 562, Lawrence L. Callanan, John L. Lawler, and George Seaton GUILTY AS CHARGED IN THE INDICTMENT, and further finding a willful violation of Sec. 610 T. 18 USC was not contemplated.

On motion of defendants jury is polled and the members thereof individually as called acknowledge said verdict as their true verdict and finding herein.

Verdict filed. Imposition of sentences deferred to September 27, at 9:00 A.M. and defendants continued on their existing bonds until aforesaid date.

Sept. 20 Marshal's return filed; subpoena unexecuted on Ernest T. Sieve on advice of U.S. Attorney.

Sept. 25 Marshal's returns filed; subpoenas returned unexecuted on Ben Meloan, Robert Kofron, Campbell Parson, Frank Barnhardt, Floyd E. Smith, Clark Walter Wallace (could not be found).

Sept. 27 Defendant Local 562 appears by its attorneys Jas. F. Nangle; Murry L. Randall; Norman S. London and Richard L. Daly; defendant Lawler appears with Murry L. Randall, his attorney; defendant Seaton appears with Norman S. London, his attorney; and defendant Callanan appears with Richard L. Daly; his attorney, for imposition of sentences under verdict heretofore returned by a jury finding each of aforesaid defendants guilty as charged in the Indictment and further finding that a willful violation of Sec. 610 T. 18 USC was not contemplated.

Punishment of defendant Local 562 fixed at a fine of \$5,000 collectible on execution.

Defendant Lawler sentenced to IMPRISONMENT FOR ONE (1) YEAR, and punishment further fixed at a fine of \$1,000, collectible on execution; defendant released on his present bond pending appeal.

Defendant Seaton sentenced to IMPRISONMENT FOR ONE (1) YEAR, and punishment further fixed at a fine of \$1,000 collectible on execution; defendant released on his present bond pending appeal.

Defendant Callanan sentenced to IMPRISONMENT FOR ONE (1) YEAR, and punishment further fixed at a fine of \$1,000, collectible on execution; defendant released on his present bond pending appeal. Regan, J.

Separate judgments and commitments filed and entered; certified copies issued to U.S. Marshal.

Sept. 29 Notice of appeal of defendants Pipefitters Local Union No. 562, Lawrence L. Callanan, John L. Lawler and Geo. Seaton, from judgment and sentence imposed upon them this day filed and such notice together with docket entries mailed to Clerk of USCA. Copy of appeal mailed to U.S. Attorney and to the defendants.

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**INDICTMENT.**

(Filed in U. S. District Court May 9, 1968.)

(Arraignment June 3 Before District Judge  
John K. Regan.)

United States District Court,  
Eastern District of Missouri.

United States of America,

Plaintiff,

v.

Pipefitters Local Union No. 562, St.  
Louis, Missouri, Affiliated With  
the United Association of Journey-  
men and Apprentices of the  
Plumbing and Pipe Fitting Indus-  
try of the United States and Can-  
ada, AFL-CIO, Lawrence L. Calla-  
nan, John L. Lawler, George  
Seaton,

Defendants.

No. ....

Violation:

18 U. S. C. 371.

The Grand Jury charges:

1. That at all times hereinafter mentioned defendant Pipefitters Local Union No. 562, St. Louis, Missouri, (hereinafter referred to as Local 562), affiliated with the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (hereinafter referred to as the United Association), was a labor organization within the meaning of Section 610 of Title 18, United States Code, that is to say, an organization in which employees participated and which existed, in part, for the purpose of dealing with employers concerning grievances, labor

disputes, wages, rates of pay, hours of employment, or conditions of work.

2. That at all times hereinafter mentioned John F. Burke was an officer of defendant Local 562.

3. That from on or about October 12, 1966, up to and including the date of the filing of this indictment, defendant Lawrence L. Callanan was an officer of defendant Local 562.

4. That at all times hereinafter mentioned, defendant John L. Lawler was an officer of defendant Local 562.

5. That at all times hereinafter mentioned, defendant George Seaton was an officer of defendant Local 562.

6. That at all times hereinafter mentioned Edward J. Steska was an officer of defendant Local 562.

7. That at all times hereinafter mentioned, the Pipefitters Voluntary, Political, Educational, Legislative, Charity and Defense Fund (hereinafter the Fund), was a fund of defendant Local 562; established, maintained, and administered by officers, employees, members, agents, foremen and job stewards of defendant Local 562, to effect a regular and systematic collection, receipt, and expenditure of moneys obtained from working members of defendant Local 562 and from working members of other labor organizations employed under the jurisdiction of defendant Local 562.

8. That at all times hereinafter mentioned, the term 1964 General Election refers to the general election held in 1964 pursuant to the laws of the United States and of the several states at which, among others, Presidential and Vice Presidential electors, United States Senators and Representatives to Congress were voted for, and the term 1966 General Election refers to the general election held in 1966 pursuant to the laws of the United States and of the several states at which, among others, United

States Senators and Representatives to Congress were voted for.

9. That from in or about 1963 and continuously thereafter up to and including the date of the filing of this indictment, in the City of St. Louis, in the Eastern District of Missouri and elsewhere, Local 562, Lawrence L. Callanan, John L. Lawler and George Seaton, the defendants herein, and John F. Burke and Edward J. Steska, named herein as co-conspirators but not as defendants, unlawfully, wilfully and knowingly did conspire and agree with each other and with divers other persons to the grand jurors unknown, to violate Section 610 of Title 18, United States Code in that they did unlawfully, wilfully, and knowingly conspire and agree to have Local 562 make contributions and expenditures in connection with elections at which Presidential and Vice Presidential electors or United States Senators and Representatives to Congress were to be voted for, and to wilfully consent to the making of such contributions and expenditures by Local 562.

10. It was a part of said conspiracy that the defendants and co-conspirators would establish and maintain a special fund entitled "Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund," which fund would have the appearance of being a wholly independent entity, separate and apart from Local 562; and that the defendants and co-conspirators would thereby conceal the fact that Local 562 would make contributions and expenditures in connection with elections at which Presidential and Vice Presidential electors or United States Senators and Representatives to Congress were to be voted for.

11. It was further a part of the conspiracy that defendant John L. Lawler would be Director of the Fund and that at a certain time he would be succeeded as Di-

rector of the Fund by defendant Lawrence L. Callanan; and that the Director of the Fund would appear to have control and management of the Fund, including the receipt and disbursement of money and the keeping of its books.

12. It was further a part of the conspiracy that defendants John L. Lawler and Lawrence L. Callanan would not have the books of the Fund audited, or afford members of defendant Local 562 and other pipefitters contributing to the Fund any accounting for the money on hand, paid into or disbursed from the Fund.

13. It was further a part of the conspiracy that the defendants and co-conspirators, by means of the creation and operation of the Fund, would continue in new form the practice of collecting for political purposes One Dollar (\$1.00) per day worked from members of defendant Local 562 and Two Dollars (\$2.00) per day worked from non-member pipefitters employed on jobs within the jurisdiction of defendant Local 562.

14. It was further a part of the conspiracy that the defendants and co-conspirators would waive and fail to enforce Section 180 of the Constitution of the United Association in order to facilitate the payment of monies into the Fund, by failing to collect from non-members of Local 562, working under its jurisdiction, a required travel card fee of not in excess of Eight Dollars (\$8.00) per month, and in lieu thereof, collecting payments to the Fund at the rate of Two Dollars (\$2.00) per eight-hour working day from such non-members.

15. It was further a part of the conspiracy that the defendants and co-conspirators would cause general foremen, area foremen, job stewards, officers, agents, employees and other members of Local 562 acting in a supervisory capacity over members and pipefitters work.

ing on jobs under the jurisdiction of Local 562, to become agents of the Fund in order to facilitate the collection of monies for the Fund on a regular basis on job sites and at the headquarters of Local 562, 1242 Pierce Avenue, St. Louis, Missouri.

16. It was further a part of the conspiracy that the defendants and co-conspirators, in order to facilitate an orderly, regular and systematic collection of contributions to the Fund, would cause the agents of the Fund, referred to in paragraph 15 of this Indictment to distribute to the pipefitters working at all job sites contribution agreement cards to be signed by such pipefitters, and to distribute to foremen and job stewards at such job sites printed collection sheets for the Fund upon which to record the number of hours worked by such pipefitters and the amount of the contributions paid by each into the Fund; and that such foremen or job stewards would advise newly employed pipefitters at such job sites of the existence of the Fund and of the rates of participation, that is, for members of Local 562, One Dollar (\$1.00) per eight hours worked; and after January 1, 1965, Fifty Cents (\$.50) per eight hours worked, and for members of other pipefitter locals Two Dollars (\$2.00) per eight hours worked.

17. It was further a part of the conspiracy that defendant Local 562 would make substantial contributions in connection with the 1964 General Election and the 1966 General Election and that defendants Lawrence L. Callanan and John L. Lawler would consent to such contributions by issuing checks drawn upon the account of the Fund in the approximate total amount of One Hundred Fifty Thousand Dollars (\$150,000).

18. In pursuance of the aforesaid conspiracy and to effect the objects thereof, the defendants performed the following and other overt acts.

### Overt Acts

1. On or about January 8, 1963, defendant John L. Lawler caused an order to be placed with the Marvel Printing Company, 912 North 7th Street, St. Louis, Missouri, calling for the production of 2500 Voluntary Fund Agreement Cards.

2. On or about January 15, 1963, defendant John L. Lawler caused a checking account to be opened in the name of the "Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund" at the State Bank and Trust Company of Wellston in St. Louis, Missouri.

3. On or about January 22, 1963, defendant George Seaton received the production order referred to in overt act No. 1.

4. On or about January 22, 1963, defendant John L. Lawler caused check No. 105 to be issued on the account of the Fund in the amount of Forty Dollars Eighty Cents (\$40.80), payable to the order of the Marvel Printing Company.

5. On or about February 13, 1963, co-conspirators Edward J. Steska and John F. Burke met with members of defendant Local 562 in St. Louis, Missouri.

6. On or about January 30, 1963, defendant John L. Lawler caused an order to be placed with the Marvel Printing Company, 912 North 7th Street, St. Louis, Missouri, calling for the production of 25 books of "Weekly Report" collection sheets.

7. On or about February 2, 1963, defendant John L. Lawler caused check No. 120 to be issued on the account of the Fund in the amount of Forty-eight Dollars Ninety-six Cents (\$48.96) payable to the order of the Marvel Printing Company, 912 North 7th Street, St. Louis, Missouri.

8. On or about January 28, 1964, defendant John L. Lawler caused a checking account to be opened in the name of the "Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund" at the City Bank, 4981 West Pine, St. Louis, Missouri.

9. On or about January 28, 1964, defendant John L. Lawler deposited Fifty-eight Thousand Eight Hundred Eighty-seven Dollars Eighteen Cents (\$58,887.18) in the account of the Fund mentioned in overt act No. 8.

10. On or about October 15, 1964, defendant Lawrence L. Callanan became Director of the Fund.

11. On or about November 3, 1965, defendants Lawrence L. Callanan, John L. Lawler and George Seaton, and co-conspirators John F. Burke and Edward J. Steska, met at 1242 Pierce Avenue, St. Louis, Missouri.

12. On or about November 10, 1965, defendants Lawrence L. Callanan, John L. Lawler and George Seaton, and co-conspirators John F. Burke and Edward J. Steska met at 5850 Elizabeth Avenue, St. Louis, Missouri.

13. On or about January 20, 1966, defendant Lawrence L. Callanan caused a checking account to be opened in the name of the "Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund," at the Southwest Bank of St. Louis, 2301 South Kingshighway, St. Louis, Missouri.

14. On or about August 24, 1966, defendant Lawrence L. Callanan caused a checking account to be opened in the name of the "Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund," at the American National Bank, 6639 South Kingshighway, St. Louis, Missouri.

15. On or about September 1, 1967, defendant Lawrence L. Callanan caused a deposit in the amount of One

Hundred One Thousand Seventy-seven Dollars (\$101,077) to be made to the account mentioned in overt act No. 13.

16. On or about February 21, 1964, defendant John L. Lawler caused to be issued check No. 370 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Five Thousand Dollars (\$5,000).

17. On or about May 18, 1964, defendant John L. Lawler caused to be issued check No. 452 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

18. On or about May 18, 1964, defendant John L. Lawler caused to be issued check No. 453 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

19. On or about May 19, 1964, defendant John L. Lawler caused to be issued check No. 455 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Five Hundred Dollars (\$500).

20. On or about May 19, 1964, defendant John L. Lawler caused to be issued check No. 458 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

21. On or about May 25, 1964, defendant John L. Lawler caused to be issued check No. 462 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

22. On or about May 25, 1964, defendant John L. Lawler caused to be issued check No. 463 drawn on the account of the Fund at the State Bank and Trust Company

of Wellston, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

23. On or about May 25 1964, defendant John L. Lawler caused to be issued check No. 464 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Hundred Dollars (\$100).

24. On or about May 25, 1964, defendant John L. Lawler caused to be issued check No. 465 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

25. On or about August 18, 1964, defendant John L. Lawler caused to be issued check No. 603 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Hundred Dollars (\$100).

26. On or about September 29, 1964, defendant John L. Lawler caused to be issued check No. 680 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri in the amount of Two Thousand Dollars (\$2,000).

27. On or about September 29, 1964, defendant John L. Lawler caused to be issued check No. 681 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

28. On or about October 8, 1964, defendant John L. Lawler caused to be issued check No. 688 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Two Thousand Dollars (\$2,000).

29. On or about October 13, 1964, defendant John L. Lawler caused to be issued check No. 694 drawn on the

account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

30. On or about October 13, 1964, defendant John L. Lawler caused to be issued check No. 695 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

31. On or about October 13, 1964, defendant John L. Lawler caused to be issued check No. 696 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

32. On or about October 13, 1964, defendant John L. Lawler caused to be issued check No. 697 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

33. On or about October 16, 1964, defendant John L. Lawler caused to be issued check No. 704 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

34. On or about October 16, 1964, defendant John L. Lawler caused to be issued check No. 705 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Two Thousand Five Hundred Dollars (\$2,500).

35. On or about October 16, 1964, defendant John L. Lawler caused to be issued check No. 706 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Twenty-five Thousand Dollars (\$25,000).

36. On or about October 16, 1964, defendant John L. Lawler caused to be issued check No. 707 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Ten Thousand Dollars (\$10,000).

37. On or about October 21, 1964, defendant John L. Lawler caused to be issued check No. 708 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Two Thousand Five Hundred Dollars (\$2,500).

38. On or about October 28, 1964, defendant John L. Lawler caused to be issued check No. 713 drawn on the account of the Fund at the State Bank and Trust Company of Wellston, St. Louis, Missouri, in the amount of Twenty-five Thousand Dollars (\$25,000).

39. On or about April 8, 1965, defendant Lawrence L. Callanan caused to be issued check No. 272 drawn on the account of the Fund at the City Bank, St. Louis, Missouri, in the amount of Five Thousand Dollars (\$5,000).

40. On or about February 22, 1966, defendant Lawrence L. Callanan caused to be issued check No. 647 drawn on the account of the Fund at the City Bank, St. Louis, Missouri, in the amount of One Hundred Dollars (\$100).

41. On or about March 1, 1966, defendant Lawrence L. Callanan caused to be issued check No. 660 drawn on the account of the Fund at the City Bank, St. Louis, Missouri, in the amount of Five Thousand Dollars (\$5,000).

42. On or about May 5, 1966, defendant Lawrence L. Callanan caused to be issued check No. 727 drawn on the account of the Fund at the City Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

43. On or about June 7, 1966, defendant Lawrence L. Callanan caused to be issued check No. 788 drawn on the

account of the Fund at the City Bank, St. Louis, Missouri, in the amount of Three Thousand Dollars (\$3,000).

44. On or about June 23, 1966, defendant Lawrence L. Callanan caused to be issued check No. 110 drawn on the account of the Fund at the Southwest Bank, St. Louis, Missouri, in the amount of Five Thousand Dollars (\$5,000).

45. On or about June 27, 1966, defendant Lawrence L. Callanan caused to be issued check No. 116 drawn on the account of the Fund at the Southwest Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

46. On or about July 29, 1966, defendant Lawrence L. Callanan caused to be issued check No. 278 drawn on the account of the Fund at the Southwest Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

47. On or about August 23, 1966, defendant Lawrence L. Callanan caused to be issued check No. 322 drawn on the account of the Fund at the Southwest Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

48. On or about September 30, 1966, defendant Lawrence L. Callanan caused to be issued check No. 215 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

49. On or about September 30, 1966, defendant Lawrence L. Callanan caused to be issued check No. 216 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

50. On or about September 30, 1966, defendant Lawrence L. Callanan caused to be issued check No. 217 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

51. On or about October 5, 1966, defendant Lawrence L. Callanan caused to be issued check No. 242 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

52. On or about October 5, 1966, defendant Lawrence L. Callanan caused to be issued check No. 243 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of Two Thousand Dollars (\$2,000).

53. On or about October 5, 1966, defendant Lawrence L. Callanan caused to be issued check No. 244 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of Ten Thousand Dollars (\$10,000).

54. On or about October 6, 1966, defendant Lawrence L. Callanan caused to be issued check No. 249 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of Two Thousand Dollars (\$2,000).

55. On or about October 6, 1966, defendant Lawrence L. Callanan caused to be issued check No. 250 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

56. On or about October 10, 1966, defendant Lawrence L. Callanan caused to be issued check No. 262 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

57. On or about October 19, 1966, defendant Lawrence L. Callanan caused to be issued check No. 286 drawn on the account of the Fund at the American National Bank,

St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

58. On or about October 27, 1966, defendant Lawrence L. Callanan caused to be issued a check No. 314 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

59. On or about October 27, 1966, defendant Lawrence L. Callanan caused to be issued check No. 315 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Five Hundred Dollars (\$1,500).

60. On or about October 27, 1966, defendant Lawrence L. Callanan caused to be issued check No. 314 drawn on the account of the Fund at the American National Bank, St. Louis, Missouri, in the amount of One Thousand Dollars (\$1,000).

61. On or about July 14, 1967, defendant Lawrence L. Callanan caused to be issued check No. 447 drawn on the account of the Fund at the Southwest Bank, St. Louis, Missouri, in the amount of Five Thousand Dollars (\$5,000).

(In violation of 18 U. S. C. 371)

VERYL L. RIDDLE,

United States Attorney,

EDGAR N. BROWN,

BRIAN O'GCONBOY,

Special Attorneys,

Department of Justice.

A True Bill:

.....  
Foreman.

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## **MOTION TO DISMISS THE INDICTMENT.**

(Filed in U. S. District Court July 31, 1968.)

Come the defendants and move the Court for an order dismissing the indictment in the above entitled cause and as grounds for said motion, defendants respectfully state:

1. The indictment is vague, ambiguous, uncertain, indefinite, repugnant and duplicitous and does not constitute a plain, concise and definite statement of the essential facts constituting the alleged offense charged.

2. The indictment fails adequately to inform the defendants of the nature of the charges against them, fails to charge facts sufficient to constitute a violation or offense under the Laws of the United States, and is in violation of the Sixth Amendment of the Constitution of the United States, in that it is insufficient to adequately inform the defendants to enable them to prepare their defense, and to avail them of the defense of prior jeopardy if other proceedings are instituted against them.

3. Section 610, Title 18, U. S. C., as construed and applied, abridges the defendants' rights, as well as the rights of all union members, of freedom of speech, press and assembly and the right to petition the Government for redress of grievances, in violation of the First and Fifth Amendments of the Constitution of the United States.

4. Section 610, Title 18, U. S. C., as construed and applied, creates an unlawful and arbitrary classification in that it applies only to unions and corporations, and by prohibiting unions from forming parallel political organizations denies unions alone the right of group political activity. Consequently, Section 610 as construed and applied, discriminates against the defendants and all

union members, in violation of the Fifth Amendment of the Constitution of the United States.

5. Section 610, Title 18, U. S. C., as construed and applied, is arbitrary and capricious and deprives the defendants and all union members of liberty and property without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

6. Section 610, Title 18, U. S. C., as construed and applied, is vague and indefinite and fails to provide a reasonably ascertainable standard of guilt, in violation of the Fifth and Sixth Amendments to the Constitution of the United States.

7. Section 610, Title 18, U. S. C., as construed and applied, invades the rights of the defendants and all union members which are protected by the Ninth and Tenth Amendments to the Constitution of the United States.

8. Section 610, Title 18, U. S. C., as construed and applied, unlawfully abridges the rights of defendants and all union members to choose their Senators and Representatives in Congress, as guaranteed by Article 1, Section 2, and the Seventeenth Amendment to the Constitution of the United States.

9. Although Paragraph 7 of the indictment alleges that the Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund was a Fund of Local 562, it does not allege that the contributions or payments made to said Fund were not wholly voluntary nor that the pipefitters who contributed to said Fund did not do so voluntarily and were not fully aware that the money so contributed would be used for political contributions and expenditures and the other non-union purposes of said Fund. Nowhere in the indictment does the indictment allege that any of the contributions to said Fund were involuntary or that the pipefitters making such contribu-

tions were unaware that the contributions would be expended for political expenditures and contributions.

10. The indictment fails to allege that the contributions and payments to the Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund were involuntary or that they were dues, or that the payments to said Fund were necessary for membership in Local 562, or, as to non-member pipefitters employed on jobs within the jurisdiction of Local 562, required and necessary in order for said pipefitters to be so employed.

11. The gist of the indictment is to allege that Section 610, **United States Code**, prohibits labor unions from forming parallel political organizations which receive voluntary contributions from the members of the union to be contributed and expended in Federal elections. Congress intended such political organizations to be legally authorized. Thus, the indictment fails to state an offense; and as so construed and applied, violates the provisions of the United States Constitution as set forth herein above.

12. The allegations of the indictment, on its face, show no violation of the law, in that such allegations affirmatively show that the expenditures and contributions were made by the Pipefitters Voluntary, Political, Educational, Legislative, Charity and Defense Fund; that said Voluntary Fund was a political organization which raised its funds by direct contribution from individual members of Local 562 and by direct contributions from individual members of other locals, and did not receive, contribute, or expend any funds of Local 562, or any other labor union.

13. The charges alleged in the indictment are barred by laches.

14. The indictment should be dismissed for the reason that the defendants have been denied an opportunity to

defend themselves in that the Government has obtained and retained their records, as alleged in Motion for Return of Records, heretofore filed.

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### **MOTION FOR BILL OF PARTICULARS.**

(Filed in U. S. District Court July 31, 1968.)

In order to protect the defendants against a second prosecution, and to enable them to adequately prepare their defense and avoid surprise at the trial, the defendants, pursuant to Rule 7 (f), Federal Rules of Criminal Procedure, move the court for an order directing the plaintiff to file and serve upon the defendants the following particulars, to wit:

1. With respect to paragraphs 2 through 5 of the indictment, state the offices held by the alleged co-conspirator John F. Burke during the times alleged in the indict-

ment, specifying the period of time that he held each such office. Give the same information with respect to defendant Lawrence L. Callanan, defendant John L. Lawler, defendant George Seaton, and alleged co-conspirator Edward J. Steska.

2. With respect to paragraphs 7, 10 and 17 of the indictment, state whether it is the government's position and theory of the case that the mere fact that the Pipefitters Voluntary, Political, Educational, Legislative, Charity and Defense Fund was established, maintained, and administered by members, officers, employees, agents, foremen and shop stewards of Local 562 is, in and of itself, sufficient to make said Fund, under the law, a Fund of Local 562. State whether or not it is the government's position that Section 610, Title 18, U. S. Code, prohibits the members, officers, employees, agents, foremen and shop stewards of a union from establishing any political organization or fund for the purpose of making contributions and expenditures in connection with elections at which presidential and vice-presidential electors or United States Senators and Representatives to Congress are to be voted for. With further respect to said paragraphs of the indictment, state whether it is the government's position and theory of the case that the alleged "regular and systematic collection, receipt, and expenditures of money obtained from working members of Local 562 and from working members of other labor organizations employed under jurisdiction of the defendant Local 562" were voluntary or involuntary collections and contributions.

3. With respect to paragraph 9 of the indictment, state whether the defendants and co-conspirators alleged therein conspired to have Local 562 make contributions and expenditures, as alleged therein, from the general funds of said Local 562 derived from dues and assessments of members thereof, or whether said defendants and co-conspirators agreed and conspired, as alleged therein, to make

such contributions and expenditures from the Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund, as alleged in paragraph 7 of the indictment.

4. With respect to paragraph 10 of the indictment, state the information requested in paragraph 2 above. Further, with respect to paragraph 10 of the indictment, state whether the alleged defendants and co-conspirators concealed the fact that the Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund was making contributions and expenditures in connection with elections at which the presidential and vice-presidential electors, or United States Senators and Representatives to Congress were to be voted for.

5. With respect to paragraph 11 of the indictment, specify the period of time during which defendant John L. Lawler was Director of the Fund and the period of time during which defendant Lawrence L. Callanan was Director of the Fund throughout the period referred to in the indictment. Further, with respect to said paragraph 11, state the person or persons other than the Director of the Fund who allegedly had control and management of the Fund.

6. With respect to paragraph 12 of the indictment, state whether it is the Government's position or contention that the defendants John L. Lawler and Lawrence L. Callanan or anyone else misapplied or embezzled any of the assets of the Fund. Further, with respect to paragraph 12 of the indictment, state whether the members of said Fund were aware of the candidate to which the Fund was making contributions and expenditures in connection with elections at which presidential and vice-presidential electors, or United States Senate and Representatives of Congress were to be voted for. Further, with respect to said paragraph 12 of the indictment, state whether or not said expenditures and contributions were made in accordance

with the wishes of the members of said Fund, or whether such contributions and expenditures were made against the wishes of the members of said Fund.

7. With respect to paragraph 13 of the indictment, state whether the collections "for political purposes" referred to in said paragraph, from members of the Fund, were made voluntarily or involuntarily. Further, with respect to said paragraph, state whether the members of said Fund were aware that the collections referred to therein were to be used and were used for political purposes.

8. With respect to paragraph 14 of the indictment, state whether the provisions of Section 180 of the Constitution of the United Association for the collection of a travel card fee were unlawful under the laws of the United States.

9. With respect to paragraphs 15 and 16 of the indictment, state whether the "agents of the Fund", referred therein, were also members of the Fund.

10. With respect to paragraph 17 of the indictment, state the information which was requested herein above in paragraph 2.

11. With respect to overt Acts, Nos. 1 and 6, state whether or not the orders referred to therein were made for the Fund or for Local 562.

12. With respect to overt Acts Nos. 2, 8, 9, 13, 14, 15, state whether the monies deposited in the bank accounts referred to in each such overt Act were monies of the Fund or of Local 562.

13. With respect to overt Act No. 5, state whether the meeting referred to therein was a meeting of the members of the Fund or of the members of Local 562.

14. With respect to each of overt Acts Nos. 16 through 61, both inclusive, state whether the monies in the account

of the Fund referred to in each of said overt Acts were the monies of the Fund or the monies of Local 562. Further, with respect to each of said overt Acts, state whether said monies so expended by each of said checks came from the general dues and assessments of the members of Local 562 or came from voluntary contributions and collections from the members of the Fund.

15. State whether the Government intends to rely on any overt Acts not specifically so alleged in the indictment. If so, set forth such additional overt Acts.

Respectfully submitted,

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Local Union No. 562.

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**JOINT MEMORANDUM OF DEFENDANTS IN  
SUPPORT OF THEIR MOTIONS  
TO DISMISS.**

(Filed in U. S. District Court August 5, 1968.)

**I**

**The indictment fails to state an offense under the laws of the United States.**

The indictment in one count charges a conspiracy to violate Section 610, Title 18, United States Code. Section 610 provides in pertinent part:

It is unlawful for \* \* \* any labor organization to make a contribution or expenditure in connection with any (Federal) election \* \* \* or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

\* \* \* \* \*

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

The statute also makes it unlawful for any officer of any such labor organization to consent to any such contribution or expenditure by such labor organization.

The history of Section 610 follows. In 1907 Congress outlawed political **contributions** by corporations (34 Stat. 864). In 1925, this provision was incorporated in the Corrupt Practices Act, where it was broadened, including the

making of the receipt of such contributions an offense (43 Stat. 1070). During World War II, in 1943, its provisions were extended for the duration of the War, by the Smith-Connally Act, to labor unions (57 Stat. 167), because it was felt "that it was unfair to individual union members to permit the union leadership to make contributions from **general union funds** to a political party which the individual member might oppose." (Emphasis added.) (**U. S. v. CIO**, 335 U. S. 106, 115; 68 S. Ct. 1349, and Congressional history there cited.) In 1947, by the Taft-Hartley Act, its provisions were permanently extended to labor unions, and the statute was also extended to cover expenditures in connection with Federal elections. At this time, questions were raised in the Senate in connection with the Conference Report as to what constituted a contribution or expenditure by a labor organization. This legislative history of the statute has been relied on heavily by the Courts in interpreting Section 610. See **United States v. Congress of Industrial Organizations et al.**, 335 U. S. 106, 68 S. Ct. 1349; **United States v. International Union United Automobile, Aircraft and Agricultural Workers of America (UAW-CIO)**, 352 U. S. 567, 77 S. Ct. 529. See also 46 **Marquette L. Rev.** 364 (1963); 40 **Texas L. Rev.** 665 (1952).

This legislative history clearly establishes that labor unions can create political organizations which can make political contributions and expenditures, provided the contributions are made by the members of the union **directly** to the political organization, and are not **general dues** of the union itself. At that time the Political Action Committee of the CIO was already in operation.

Following are excerpts from the Congressional Record of June 5, 1947, of the Senate Debates on the Conference Report of the Taft-Hartley Act:

"Mr. Taft: \* \* \* Such an association (National Association of Manufacturers) could receive money by

— direct contributions from individual members, just as the **CIO-PAC** can properly operate as a political organization, raising its funds from individual members. In the same way, the National Manufacturers Association could do the same thing. But no corporation could contribute to the National Manufacturers Association, and no labor union could contribute to the PAC" (93 Cong. Rec. 6438). (Emphasts added.)

\* \* \* \* \*

"Mr. Taft: \* \* \* As to the association itself, it seems to me the conditions are exactly parallel, both as to corporations and labor organizations. Such an association receiving corporate funds and using them in an election would violate the law, in my opinion, exactly as the PAC, if it got its fund from labor unions, would violate the law. If the labor people should desire to set up a political organization and obtain **direct** contributions for it, there would be nothing unlawful in that. If the National Association of Manufacturers, we will say, wanted to obtain individual contributions for a series of advertisements, and if it, itself, were not a corporation, then, just as in the case of PAC, it could take an active part in a political campaign. But the prohibition is against a labor organization or a corporation participating in an election either by a contribution to somebody else or by direct expenditure of its own funds. That has been understood to be the law of corporations for many years, and until labor organizations were placed under the terms of the Smith-Connally Act, no one supposed that corporations could make direct expenditures without it being considered a contribution. But after the labor organizations were included, that question was raised. In order that it might be finally resolved in this bill, we make it perfectly clear that it covers either a contribution to somebody else or an

expenditure of one's own funds for the same purpose, in connection with an election" (93 Cong. Rec. 6439). (Emphasis added.)

\* \* \* \* \*

"Mr. Magnuson: Mr. President, if the Senator will yield, let me ask him another question. All the funds of labor unions come from dues paid by their members. All the activities of the unions are based upon expenditure of funds provided by dues. That money is in the union's treasury. If the pending bill should become law it would mean that all labor organs which are now in existence would, from now on, be prohibited from participating in a campaign, favoring a candidate, mentioning his name, or endorsing him for public office?

"Mr. Taft: No, I do not think it means that. The union can issue a newspaper, and can charge the members for the newspaper, that is, the members who buy copies of the newspaper, and the union could put such matters in the newspaper if it wants to. The union can separate the payment of dues from the payment for a newspaper if its members are willing to do so, that is, if the members are willing to subscribe to that kind of a newspaper. I presume the members would be willing to do so. A union can publish such a newspaper, or unions can do as was done last year, organize something like the PAC, a political organization, and receive direct contributions, just so long as the members of the union know what they are contributing to, and the dues which they pay into the union treasury are not used for such a purpose.

"Mr. Magnuson: I think all union members know that a part of their dues in these cases go for the publication of some labor organ.

“Mr. Taft: Yes. How fair is it? We will assume that 60 percent of a union’s employees are for a Republican candidate and 40 percent are for a Democratic candidate. Does the Senator think the union’s members should be forced to contribute, without being asked to do so specifically, and without having a right to withdraw their payments to the election of someone whom they do not favor? Assume the paper favors a Democratic candidate whom they oppose or a Republican candidate whom they oppose. Why should they be forced to contribute money for the election of someone to whose election they are opposed? If they are asked **to contribute directly** to the support of a newspaper or **to the support of a labor-political organization**, they know what their money is to be used for and presumably approve it. From such contribution, the organization can spend all the money it wants to with respect to such matters. **But the prohibition is against labor unions using their members’ dues for political purposes, \* \* \*** and perhaps in violation of the wishes of many of its (members)” (93 Cong. Rec. 6440). (Emphasis added.)

\* \* \* \* \*

“Mr. Magnuson: Would the Anti-Saloon League, for example, be prohibited from issuing pamphlets against a political candidate?

“Mr. Taft: As I understand, the league would probably receive contributions from individuals, and it would be like the PAC or any other organization which was organized for political purposes” (93 Cong. Rec. 6440).

The judicial decisions have carefully safeguarded this intent of Congress to permit labor unions and labor people to set up political organizations with direct contributions to it for political expenditures or contributions.

The next year, in **United States v. CIO**, 335 U. S. 106, 110 (1948), the indictment alleged that the CIO News was published by expenditures "**from the funds of the said defendant CIO**," which news had contained a statement by Phillip Murray, President of the CIO, urging the election of Judge Ed Garmatz to the House of Representatives. The indictment also alleged that defendant Murray "**caused the funds of the said defendant CIO to be expended**" for said purpose (Note 3, p. 110). The United States Supreme Court held that the indictment failed to allege an offense, for one reason that it did not directly "**allege the source of the CIO funds**" (p. 111), stating that "The funds used may have been obtained from subscriptions of its readers or from portions of CIO membership dues, directly allocated by the members to pay for the 'News' or from other general or special receipts" (335 U. S. at 111).<sup>1</sup> As previously stated, the court noted that the legislative history indicated "that it was unfair to individual union members to permit the union leadership to make contributions from **general union funds** to a political party which the individual member might oppose" (at p. 115) (Emphasis added). The majority quoted at length from Senator Taft's remarks, including the statement that "unions can do as was done last year, organize something like the PAC, a political organization, and receive direct contributions, just so long as members of the union know what they are contributing to, and the dues which they pay into the union treasury are not used for such purposes" (335 U. S. at 119). The Court also noted that "Senator Taft stated on the Senate floor that funds voluntarily contributed for election purposes might be used without violating the section" (at p. 123). The four justices' concurring opinion, who thought the statute to be unconstitutional, stated "that in making his responses to

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<sup>1</sup> In addition, this expenditure was held not to be an expenditure within the meaning of that word in Section 610.

the numerous and varied inquiries (Senator Taft) tested coverage invariably or nearly so by applying \* \* \* the source of the funds received and expended \* \* \*." It was Senator Taft's "view that the primary purpose of the amendment was 'minority protection', the line drawn by the section was between expenditure of funds received by the union expressly for (political) purpose \* \* \* and, on the other hand, expending funds not so limited by the person or source supplying them" (335 U. S. at 137). See further discussion of "minority protection" and "source of the funds used" at 335 U. S. at 146-148.

On authority of this case, the present indictment does not allege an offense. As noted, the indictment in the CIO case alleged that the expenditure came "from the funds of the defendant CIO". This was held to be insufficient. There must be an allegation that the expenditure came from general dues of the union. The teachings of the CIO case have been incorporated in all indictments involving labor unions and labor leaders (save the instant one) which have been returned with respect to Section 610, either for substantive offenses or conspiracy. Each count of the indictment in **United States v. Warehouse and Distribution Workers Union Local 688, et al.**, No. 60 CR 42 (1) and No. 60 CR 189 (1), Consolidated, Eastern District of Missouri, contained the allegation that the "contribution was derived substantially or entirely from the dues payments".

The pertinent allegations of the indictment in **United States v. Automobile Workers (NAW-CIO)**, *supra*, 352 U. S. 567 (1957) which was held sufficient, read as follows:<sup>2</sup>

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<sup>2</sup> See 352 U. S. at 584; "It was further charged that the fund used came from the union's dues, was not obtained by voluntary political contributions or subscriptions from members of the union."

"That said expenditure of money mentioned in Paragraph 3 of this Count was from money taken out of the general fund of defendant and not from any other source; that said general fund consisted of union dues paid by members of the local unions belonging to and affiliated with defendant; that said expenditure was not made from voluntary political contributions, or from subscriptions of employee members belonging to and affiliated with defendant, and said expenditure for telecasts mentioned in Paragraph 3 of this Count was not paid for by advertising or sales, but was paid from defendant's general fund, which consisted of dues paid by defendant's dues-paying members, which fund was a fund separate and distinct from any fund established by voluntary contributions specifically ear-marked for political purposes."

Thus, so the Supreme Court ruled, "the indictment charged appellee with having used **union dues** to sponsor commercial television broadcasts designed to influence the electorate to select candidates for Congress in connection with the 1954 elections" (352 U. S. at 585).

In **United States v. Painters Local Union No. 481**, 2 Cir., 172 F. 2d 854, reversing 79 F. Supp. 516 (1949), "The funds were derived from the general treasury of the defendant Union; the general treasury, in turn, was derived from **dues and fees** paid by members of the Union. \* \* \* (N)o portion of the dues and fees was allocated for any particular account or activity of the Union" (172 F. 2d at 855) (Emphasis added).

In **United States v. Lewis Food Company, Inc.**, 9 Cir., 366 F. 2d 710 (1966) an indictment of a corporation, the indictment omitted to allege that the Corporation made the political expenditure from **general corporate funds**. The Government, however, conceded that it was necessary

to prove that the expenditure came from general corporate funds. 366 F. 2d at 713. With this concession, the Court held the indictment to be sufficient and that the allegation that the Corporation made the expenditure inferred "that general corporate funds were used." The Court further stated that, "It is even questionable whether expenditures from such independent sources (funds contributed by stockholders or otherwise obtained) would be corporate expenditures at all" (366 F. 2d at 713).

The instant indictment contains a more serious defect than the **CIO** indictment. It simply alleges that the Pipefitters Voluntary, Political, etc., Fund "was a fund of defendant Local 562" (Paragraph 7). But it affirmatively alleges that the Voluntary Fund was a "special fund" which had "the appearance of being a wholly independent entity" (Paragraph 10). See also Paragraph 16. Nowhere does the indictment allege that the funds expended or contributed come from general dues. Further, a reading of the indictment as a whole shows that the funds expended did not come from union dues, but were collected separate and apart from the dues' structure of the Local (See Paragraphs 7, 10, 11, 13, 15, 16). Although the indictment alleges that there were regular collections of the contributions to the Voluntary Fund, it does not allege that the payments were involuntary nor that the contributors did not know that their contributions were to be used for political purposes. Indeed, the indictment recognizes that the collections for the Fund were made "for political purposes" (Paragraph 13). This indictment may fairly be construed, we submit, as alleging that it is a violation of Section 610 for officers, agents and members of a union to also act as officers, agents and members of a parallel political organization in the obtaining and expending of direct voluntary contributions for political purposes. There is nothing in the legislative history, judicial

decisions or language of the statute to support such a construction.<sup>3</sup>

Indeed, the judicial decisions have limited the scope of Section 610 far more narrowly than that sought to be applied here. Thus, in the **CIO** case, the indictment was not only found to have failed to allege that the money came from general dues, but also the majority, in avoiding the constitutional issue, interpreted the word "expenditure" in a very limited manner. By a similar narrow interpretation of the word "expenditure", the Second Circuit avoided the Constitutional issue in the **Painters** case. In **United States v. Anchorage Central Labor Council**, 193 F. Supp. 504 (D. Alaska, 1961), the Court found contributions by labor unions to a labor council for political broadcasts to have been voluntary, and not proscribed by Section 610, even though the ultimate source of the money for the political expenditure may have been members' dues. See also the comments in 46 **Marquette L. Rev.** 364 (1963) and 40 **Texas L. Rev.** 665 (1962).

In **United States v. Warehouse and Distribution Workers' Union Local 688**, Nos. 60 CR 42 (1) and 60 CR 189 (1) Consolidated, Eastern District of Missouri, the Local obtained the permission of a part of the members to use part of their general dues for political contributions and expenditures. The indictment contained substantive and conspiracy counts. The late Judge Moore ruled that the statute did not even apply to general dues where the particular members involved had authorized such expenditures, stating "It is my opinion that in the present state of the record there has been no evidence adduced by the Government that the allocations by roughly two-

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<sup>3</sup> An indictment not only must allege all the elements of the offense, but the allegations must also be in clear specific terms, and may not be vague and uncertain. **Russell v. United States**, 369 U. S. 749, 82 S. Ct. 1038; **Van Liow v. United States**, 5 Cir., 321 F. 2d 664.

thirds of the individual members of Local 688—a defendant here—were not entirely voluntary—even though they may have been allocations from general dues paid by such individuals as union members.” Judge Moore’s ruling gave full effect to the legislative history.

We respectfully submit that the indictment fails to state an offense.

## II.

**Section 610 as construed and applied in the instant indictment is unconstitutional.**

As we have noted, this indictment may fairly be construed as alleging that Section 610 prohibits officers, agents and members of a Union from forming a parallel political organization and utilizing the Union leaders, officers and agents in such political organization, in the obtaining, pooling and expending of direct voluntary contributions for political purposes.

Unless the legislative history of Section 610 and judicial precedents are appraised to permit labor people to pool their financial resources and utilize them for political activity, expenditures and contributions, through the regular leaders of their union, in a separate organization parallel to the union, the statute would clearly be unconstitutional. Section 610 has been saved once only by a narrow construction with four justices believing it to be unconstitutional. **U. S. v. CIO**, *supra*. On a second occasion, three justices held it to be unconstitutional, with the majority not resolving that issue (**United States v. UAW**, *supra*).

In the **CIO** case, the Supreme Court said (335 U. S. at 120) “it is clear that Congress was keenly aware of the constitutional limitations on legislation and of the danger

of the invalidation by the Courts of any enactment that threatened abridgement of the freedoms of the First Amendment. "It did not want to pass any legislation that would threaten interferences with the privileges of speech or press or that would undertake to supercede the Constitution. The obligation rests also on this Court in construing Congressional enactment to take care to interpret them as to avoid a danger of unconstitutionality". Although we believe it is clear that Congress intended to authorize parallel political organizations with the same leaders, we note that there is a judicial rule that where a statute is susceptible of two constructions, by one of which constitutional questions arise, and by the other of which constitutional questions are avoided, the Court's duty is to adopt the latter construction. **Harriman v. Interstate Commerce Commission**, 211 U. S. 407, 422.

Before discussing the statute's violation of the First Amendment, as here applied (by abridging defendant's freedom of speech, of the press, of assembly and of petition for redress of grievances), we note that there is no difference in the constitutional issues as to political **contributions** or **expenditures**. The word "expenditure" was added to the statute in 1947 because it was felt that the prohibition against contributions was not broad enough to prohibit political expenditures, so that indirect contributions in the guise of expenditures could be made without violating the statute. **U. S. v. CIO**, *supra*, at 115. As Senator Taft said in the Senate debates (93 Cong. Rec. 6439) "all we are doing here is plugging up the hole which developed". A blanket prohibition against contributions would equally violate the First Amendment as a blanket prohibition against expenditures. Whether a contribution is given directly to a candidate to be used to publicize his views or an expenditure is made in order that he may do the same thing, freedom of speech is abridged by the statute. The organization which actu-

ally pays for hiring the hall, the billboards or the radio time has little effect upon abridgement of First Amendment freedom. It is the source of the funds which is significant.

Freedom of political expression through association is recognized as one of the fundamental liberties of the First Amendment. **New York Times v. Sullivan**, 376 U. S. 254; 269-270; **N. A. A. C. P. v. Button**, 371 U. S. 415; **Watkins v. United States**, 354 U. S. 178; **N. A. A. C. P. v. Alabama**, 357 U. S. 449. Although First Amendment rights are not absolute, they enjoy a preferred status in our Constitutional scheme. **Sherbert v. Verner**, 374 U. S. 398; **Lamont v. Postmaster General**, 381 U. S. 301; **United States v. Carolene Products Co.**, 304 U. S. 144; **Thomas v. Collins**, 323 U. S. 516; **Thornhill v. Alabama**, 310 U. S. 38; **New York Times v. Sullivan**, 376 U. S. 254, 270.

Within the realities of modern politics, the right to expend and contribute is a part of freedom of speech, press, assembly, and petition for redress of grievances. "Unions can act and speak today only by spending money, as indeed is true of nearly every organization and even of individuals if their action is to be effective". **United States v. CIO**, 335 U. S. at 146, **N. A. A. C. P. v. Button**, *supra*. The right to expend and contribute are essential to the exercise of First Amendment freedoms. In terms of the cost of television and radio time and newspaper advertisements, the freedom to speak and to print without the right to provide funds is an empty one. Similarly, the freedom to assemble is void if there is denied the right to spend monies for a hall, or a rally, or to get out the vote, or distribute handbills or other campaign literature. The right to petition the Government for a redress of grievances by removing from elected office those responsible for one's grievances is useless if, in these modern times of radio and television, funds cannot be spent to air a par-

particular candidate's espousal of or opposition to the grievances. Indeed, Section 610 as interpreted by the prosecution would prevent members of labor unions from giving and pooling money to defeat candidates pledged to enact a Federal right-to-work law. As a matter of fact, Section 610 would itself become a self-perpetuating grievance because it would deny the right to the aggrieved to speak effectively against it.

Furthermore, Section 610, so interpreted, denies the individual members of local unions the right of voluntary association. **N. A. A. C. P. v. Button**, *supra*. These individuals form and join labor unions for legitimate collective interests. Through their union they seek to increase the effectiveness of their individual participation. Political activity is necessary to improve and maintain their bargaining position and to progress further along economic and social lines. The same reasons for collective bargaining also dictate collective political representation. If labor people are denied the right to associate voluntarily for political action **through their chosen leaders**, they are effectively denied the right of collective representation and association in economic matters. Political activity is necessary to obtain and retain the right to engage in collective representation and association in economic matters in order to bargain on even terms. Labor leaders must be politically active in order to accomplish through legislation these objectives which collective bargaining cannot yield, such as higher minimum wages, reasonable maximum hours, restraints on child labor, increased public education, greater social insurance, adequate housing, and effective anti-depression measures. **Reynolds, Labor Economics and Labor Relations** (1959). The support of Federal candidates favorable to unions, laboring men, and their program is an essential right of labor people so that gains won by labor at the bargaining table shall not be lost in Congress. Collective political

action is essential to their common interests. Under the Government's interpretation of Section 610, labor people would be denied any meaningful collective political action, for they would be prohibited from making political contribution in co-ordination with their union leaders and union aims. Thus, the member's freedom of political association is substantially and unconstitutionally diminished. **U. S. v. C. I. O.**, *supra* (concurring opinion); **U. S. v. U. A. W.**, *supra* (dissenting opinion).

Since the union itself is prohibited from spending general dues for political purposes, political expression and association in parallel organizations with the same leaders is necessary if members of unions are to be permitted any effective political expression at all. Because the First Amendment precludes any abridgement of the full and free exercise of the right to speak (as well as its absolute prohibition) (**Lamont v. Postmaster General**, 381 U.S. 301, 305; **Grosjean v. American Press Co.**, 297 U. S. 233, 249-251; **Thomas v. Collins**, 323 U. S. 516, 538-540; **Hague v. CIO**, 307 U. S. 496), a reading of Section 610 to prohibit voluntary collective political activity must result in unconstitutionality.

The Government's interpretation of the statute would give it too broad a sweep to meet the relevant evil, namely to avoid the use of a member's involuntary dues in aid of a candidate which he does not support. **Butler v. Michigan**, 352 U.S. 380. Indeed, even as written, the vagueness and uncertainty of Section 610 has been recognized in every case which has considered it. In **U. S. v. CIO**, *supra*, "expenditures" was belabored and limited. In **United States v. Construction Workers Local 264**, 101 F. Supp. 869 (W. D. Mo., 1951) the District Judge in order to avoid the constitutional issues, found the expenditures by the Union to be too small and too indefinite to come within the statute. In **United States v. Painters Local 481**, 172 F. 2d 854, the Second Circuit also avoiding the

constitutional issues, emphasized not only the smallness but also the voluntariness of the direct political expenditures by pointing out that the expenditures (by the union itself from general dues) had been authorized by a majority of the union members at a special union meeting. In addition, the Statute's legislative history and treatment by the Supreme Court in both the **C. I. O.** case and **U. A. W.** case indicate that the source of the funds determine criminal conduct thereunder. Indeed, it has been held that large political contributions and expenditures from general dues by a labor union are not prohibited by Section 610 where voluntariness is involved. **U. S. v. Local 688**, *supra*.

The Government's construction of Section 610 would leave labor people, and unions, including these defendants, with no clear definition of their rights to participate in Federal election. They would have no opportunity to make themselves heard for or against particular federal candidates except by running the risk of prosecution under Section 610. If the outer limits of the statute are to be found vaguely somewhere beyond its literal terms, an effective previous restraint would be imposed upon the exercise of First Amendment rights which is really outside the purview of the statute. See **Thomas v. Collins**, 323 U. S. 516, 535.

In words particularly appropriate to the instant statute the Court, in **Smith v. California**, 361 U. S. 147, 151, said:

"It has been stated here that the usual doctrine as to the separability of constitutional and unconstitutional applications of statutes may not apply where their effect is to leave standing a statute patently capable of many unconstitutional applications, threatening those who validly exercise their rights of free expression with the expenses and inconvenience of criminal prosecution. \* \* \* And this Court has intimated that

stricter standards of permissible statutory vagueness may be applied to a statute having a potentially inhibiting effect on speech; a man may the less be required to act at his peril here, because the free dissemination of ideas may be the loser."

Thus interpreted, the statute's vagueness furnishes an independent basis for invalidating it under the due process clause of the Fifth Amendment. As a criminal statute, it fails to provide a reasonably ascertainable standard of guilt. **Connally v. General Construction Co.**, 269 U. S. 383, 391: It is "so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." See also **Lanzetta v. New Jersey**, 306 U. S. 451, 453. It neither gives notice to the individual as to the standards of conduct which he must follow nor an adequate guide to the prosecutor in enforcing the law. Indeed, as we have noted, in other cases the Government has interpreted the statute differently. In its brief filed in the case of **United States v. UAW**, *supra*, the Government conceded because of the statutory history, that there were a number of "random exceptions" falling outside the ambit of Section 610, such as funds from voluntary contributions (Brief p. 39) and funds spent for regular union newspapers (Brief p. 51).

In other cases the Government has (sometimes despite the express wording of the statute) recognized the Congressional intent to except these categories. Certainly, as we have shown, Congress intended to except the practice alleged in the instant indictment. If Section 610 means something more than its express terms, as here contended by the Government, we submit that there are no standards to guide labor unions and their officers and labor people in determining what to do.

Section 610 being criminal, should be construed narrowly. So construed, we again submit that the Volun-

Voluntary Fund, even if it were in fact a Fund of Local 562 financed by voluntary contributions, would not be in violation of Section 610, both on reason and authority. To expand the language of Section 610 to make the Voluntary Fund a violation is not only to flout the prior process of exclusion from Section 610 by the Courts in individual cases, but also really to overturn opinions in five decided cases as well as to ignore the legislative history and the Government's own prior concessions.

Due process considerations do not end with the potential defendants. They must look to see whether or not adequate prosecutive guides in enforcing the law have been established; whether or not the law is discriminatory in operation; and whether or not the law provides an opportunity for discrimination in enforcement. **Yick Wo v. Hopkins**, 118 U. S. 356, 373-374.

In the latter connection, it should be noted that there has been only one indictment of a corporation or corporation officer under Section 610. Yet, we believe, it is common knowledge that the suggestion made by the writer in the December 1957 issue of the **Washington University Law Quarterly** has been taken seriously by corporate entities. This suggestion, found at footnote 54, p. 406, is that if unions or corporations wish to circumvent Section 610, there is nothing to prevent them from paying their officers higher salaries with the understanding that the extra money will be individually contributed by each such officer toward political activities which will benefit his employer. Of course, labor people and labor unions cannot in reality do as corporations are doing, and their only hope of effective political action is to form parallel voluntary political organizations as was done here.

As the Government has here interpreted Section 610, the defendant's constitutional rights under the due process clause of the Fifth Amendment are also violated. Sec-

tion 610 becomes a special, discriminatory, and arbitrary exertion of legislative power directed mostly, if not solely, against the effective political expression of organized working men. Section 610 is the only instance where Congress has ever sought to prohibit associations of individuals formed to promote common interests, from expending funds or making contributions in Federal elections. Businesses and unincorporated associations of businessmen whose interests are adverse to organized labor are not covered by the statute and can expend and contribute in Federal elections. Only unions among all the many kinds of unincorporated associations are singled out for this prohibition. But "the right either of workmen or of unions . . . to assemble and discuss their own affairs is as fully protected by the constitution as the right of businessmen, farmers, educators, political party members or others to assemble and discuss their affairs and to enlist the support of others." **Thomas v. Collins**, 323 U. S. 516, 539.

Due process forbids special, arbitrary or discriminatory Federal legislation. **Yick Wo v. Hopkins**, supra; **Nichols v. Coolidge**, 274 U. S. 531, 542; **United States v. Kahrigier**, 345 U. S. 22, 33-34. The obvious effect of Section 610 thus interpreted is to weaken the political strength of labor unions in Federal elections by muting their political voice, and conversely to increase the effectiveness of anti-labor associations by leaving them free to spend as they choose.

It is no answer to argue that the discrimination against labor unions is not arbitrary because corporations are similarly prohibited. For there is no indication that the Government will take the position that all unincorporated businesses, employers and their management, and business associations, which represent the counterpart to labor unions, are prescribed by Section 610. The corporate entity alone is not the only natural antagonist of

labor in the political arena. Other forms of business proprietorships, left unrestrained, are also the opponents of labor unions. If we assume that the interests of employers are traditionally opposed to the interests of labor organizations, we find in the omission of non-corporate employees and business and trade associations an arbitrary discrimination in favor of the anti-labor interests. A statute which seeks to force unions and labor people entirely out of political activity, while permitting to their counterparts a countervailing political activity, denies due process individually and collectively to unions and their members.

We respectfully submit that Section 610 as construed and applied in the instant indictment is unconstitutional and that the indictment should be dismissed.

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**GOVERNMENT'S MEMORANDUM IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS  
ITS INDICTMENT.**

(Filed in U. S. District Court August 9, 1968.)

Defendants move to dismiss this indictment on the ground that it does not state an offense and on the ground that Section 610 of Title 18, United States Code, is unconstitutional.

I.

The indictment states an offense.

1. Defendants contend that this indictment is defective because it does not specifically allege that the funds contributed came from the general funds of defendant Local 562. Paragraph 9 of the indictment charges that the defendants

"unlawfully, wilfully and knowingly did conspire and agree with each other and with divers other persons to the Grand Jury unknown, to violate Section 610 of Title 18, United States Code . . ."

The Government contends that the above language sufficiently charges a violation of law and that it fully informs the defendants of the nature of the charge against them.

Under this pleading the Government is entitled to prove that the defendants conspired to make contributions or expenditures from the general funds of Local 562 in connection with the election of Federal candidates. The point is settled in **United States v. Lewis Food Co.**, 366 F. 2d 710 (9th Cir. 1966). This case involved prosecution of a corporation for making an expenditure in violation of Section 610. It was there, as here, contended that the indictment failed to state an offense under the statute

because it did not allege that general funds of the corporation had been used:

"In our opinion, the allegations in the indictment that the corporation made an 'expenditure' for the stated purpose, necessarily infers an allegation that general corporate funds were used. Corporate expenditures normally come from a corporation's general funds and not from some independent fund contributed by shareholders, or otherwise obtained. It is even questionable whether expenditures from such independent sources would be corporate expenditures at all. . . . With respect to the use of general corporate funds this indictment meets these requirements [that it contains a plain, concise and definite statement of the facts constituting the offense charged]. Entry of the plea of not guilty, therefore, gave rise to a question of fact as to the source of the corporate funds." (*Supra*, p. 713, emphasis added.)

Defendants rely upon *United States v. C. I. O.*, 335 U. S. 106, in which an indictment under the statute was dismissed. However, the reason the Court dismissed the indictment was not that it failed to allege that the funds used to publish a newspaper were derived from the general funds of the union. The Court held that even if such funds came from the general funds of the union, Section 610 did not extend to an expenditure for publishing a union newspaper distributed to its membership:

"It is our conclusion that this indictment charges only that the CIO and its president published with union funds a regular periodical for the furtherance of its aims, that President Murray authorized the use of those funds for distribution of this issue in regular course to those accustomed to receive copies of the periodical and that the issue with the statement described at the beginning of this opinion vio-

lated Section 313 of the Corrupt Practices Act." (*Supra*, p. 123, emphasis added.)

2. Defendants further allege that the indictment is defective in that it does not allege that the funds involved were not voluntary. As indicated above, the Government is entitled to prove, and admittedly must prove, that the funds here involved were general funds of Local 562.

Proof of the offense charged here does not depend upon whether the funds were volunteered or not by union members. The issue is whether these funds were the general funds of Local 562. Shareholders cannot, for example, consent or volunteer to have a corporation make contributions or expenditures in connection with Federal elections. This is the holding in *United States v. Lewis Food Co.*, *supra*.

"The Supreme Court stated that the other legislative motivation for enactment of legislation such as section 610 was the necessity for destroying the influence over elections which corporations exercised through financial contributions. 335 U. S. at 113, 68 S. Ct. at 1353. This consideration would be meaningless if a corporation could make expenditures for activities otherwise forbidden by section 610 by simply obtaining unanimous consent of its shareholders. In the Auto Workers case, the indictment contained no allegation that the expenditure of union funds was contrary to the wish of members. Nevertheless, the Supreme Court found the indictment sufficient." (Emphasis added.)

The same is, of course, true of labor organizations. Accordingly, it is not necessary for the Government to allege that the funds involved were or were not contributed voluntarily.

II.

Section 610 of Title 18, United States Code, does not, as applied in this indictment, violate the United States Constitution.

1. Defendants contend that section 610 offends the First and Fifth Amendments protecting rights of speech, press, assembly, and petition. Defendants cite **United States v. C. I. O.**, 335 U. S. 106 and **United States v. Auto Workers**, 352 U. S. 567.

The Government contends that this case does not involve First Amendment issues. Unlike the cases cited by defendants, this case concerns "contributions" as distinct from "expenditures". The Government, as indicated in the checks set out in the overt acts, is concerned here only with contributions. The mere transfer of money admittedly has an effect upon speech and its communication. The impact upon free speech of "contributions", however, is wholly different from the impact upon speech of "expenditures" for publication of a newspaper (**C. I. O.** case), for sponsorship of a political television broadcast (**U. A. W.** case), or advertising in a large number of newspapers (**Lewis Food Co.** case).

It is possible to confuse two different issues; one issue is whether Congress, consistent with the First Amendment, may extend the prohibition of section 610 to include labor organizations; the other is whether a particular "expenditure" includes activities that are protected by the First Amendment. The Government contends that this case involves the statute in the area of its narrowest application. In **United States v. United States Brewers' Ass'n.**, 239 F. 163 (W. D. Pa. 1916), application of the statute to contributions by corporations was upheld against objections that it trenched upon First Amendment rights.

The Government's position on this point is fortified in the U. A. W. case. Here the dissenting Justices, in a footnote to their opinion, indicate that Congress can, as it has done under the statute, prohibit "contributions". They concluded that "expenditures" could be regulated by requiring those who made expenditures to disclose their connection with such expenditures.

For the foregoing reasons the Government respectfully submits that the Court should deny Defendants' Motion to Dismiss.

VERYL L. RIDDLE,  
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Assistant United States Attorney,

EDGAR N. BROWN,  
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Department of Justice.

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### ORDER.

(Filed in U. S. District Court August 14, 1968.)

This matter is before the Court on motion of defendants to dismiss the indictment.

The Court having fully considered the matter, It Is Hereby Ordered that said motion be and it is hereby overruled.

Dated this 14th day of August, 1968.

/s/ JOHN K. REGAN,  
United States District Judge.

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**ORDER.**

(Filed in U. S. District Court August 14, 1968.)

This matter is before the Court on motion of defendants for a bill of particulars.

The Court having fully considered the matter, It Is Hereby Ordered that said motion be and it is hereby overruled.

Dated this 14th day of August, 1968.

/s/ JOHN K. REGAN,  
United States District Judge.

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[\*178] **TRANSCRIPT OF PROCEEDINGS.**

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**GOVERNMENT'S EVIDENCE.**

**PATRICIA STIEFERMAN,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Ma'am, would you state your full name for the Court and jury, please? A. Patricia Stieferman.

Q. Stiefelman is it pronounced? A. Stieferman.

Q. Stieferman. And Mrs. Stieferman, is it? A. Yes.

Q. Mrs. Stieferman, throughout your testimony will you speak up so all members of the jury panel, including the two [179] gentlemen who are in the alternate seats over here; can hear you? A. Yes, sir.

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\* Numbers appearing in brackets in text indicate page numbers of original stenographic transcript of testimony.

Q. So that all the gentlemen on the other side here can hear you. What is your present address? A. 10823 Vorhof Drive.

Q. In St. Louis? A. St. Louis, Missouri.

Q. All right. For whom are you presently employed? A. Pipefitters Welfare Educational Fund.

Q. And at what address? A. 1242 Pierce Avenue.

Q. 1242 Pierce Avenue. Just for clarification, what section, generally, in town is Pierce Avenue located?

A. It is south St. Louis, off of Hampton and West Park.

Q. Off of Hampton and West what? A. West Park.

Q. West Park? A. Yes.

Q. That would be in the area generally south of the hockey arena? A. Yes.

Q. All right. And how long have you been employed, as I recall, you said for the Welfare Fund? [180] A. Yes, sir.

Q. For Local 562? A. Yes, sir.

Q. How long have you been employed by the Welfare? A. Since 1964.

Q. Since 19 and 64. Do you recall the month? A. I believe it was April; March or April.

Q. What are your duties there, in a general way? A. I do general office work; bookkeeping.

Q. Are you a bookkeeper? A. I do; yes, sir.

Q. All right. How old are you, Mrs. Stieferman? A. Thirty-eight years old.

Q. Now, who is your immediate supervisor in your employment there at the Welfare Fund? A. Mr. Edward Henry.

Q. Mr. Edward Henry. Do you know what title or position he holds with Local 562? A. He's with the Welfare Department, and he's the director of the Welfare.

Q. Director of the Welfare Department? A. Yes.

Q. Has he been your supervisor throughout the time of your employment for the Welfare Fund? [181] A. Yes, sir.

Q. Now, in performing your duties in that department, do you make entries showing the amount collected into the Welfare Fund? A. Yes, sir.

Q. And enter them on ledger sheets and the various records of the fund? A. Yes, sir.

Q. Now, do you receive money? A. Checks from the contractors.

Q. Checks from the contractors? A. Yes, sir.

Q. Now, can you tell the Court and jury how often you receive these checks? A. Well, the contractors generally pay once a week. It is a fringe benefit, and they pay per man. They list the men and the number of hours and the amount that they are paying.

Q. All right. A. And they send one check in for all the men working for them.

Q. All right. So on this sheet, as I understand your testimony, there would be a list of all the members of 562 working for that contractor? A. All pipefitters working for that contractor.

[182] Q. Yes. And have their names on it? A. Yes, sir.

Q. And what other information does this sheet have? A. Social Security numbers.

Q. All right. A. And the total hours they are paying for; total hours they worked.

Q. The total hours they worked during the week? A. Week.

Q. All right. And then does it have another column? A. Yes. The amount of money.

Q. The amount of money? A. That they are paying for, for this man.

Q. That the contractor is paying into the Welfare Fund for each person? A. Yes, sir.

Q. All right. Now then, does it have a column which shows the gross pay for each man for that work period?

A. No, it does not.

Q. Does it have the number of hours he worked? A. Yes, sir.

Q. Ma'am, does it have the rate of pay, that is, so much, the rate per hour that— A. Foreman's pay?

[183] Q. Yes. A. No.

Q. All right. Now, this comes in to you on a sheet or a form? A. Yes, sir.

Q. And with that do you receive a check? A. Yes, sir.

Q. And the check you receive is in what amount? A. The total amount.

Q. In other words, you have a column of figures on one side of the sheet? A. Yes, sir.

Q. And at the bottom they will be totaled? A. Yes, sir.

Q. And the check you get is in the amount of that total? A. Yes, sir.

Q. After you receive that check, what do you do with it? A. Well, it is deposited daily into the bank. We break it down by funds, deposit so much into each fund per hour. We have an accounting machine which does this, and then we post it to the contractor's statement, showing how much he's paid all year, and then we post it to a card for each individual man, showing the total hours that he's worked, and the total hours for the year.

[184] Q. Now, who makes these bank deposits? A. They are done by mail.

Q. By mail? A. Um hmm.

Q. Have you used more than one bank during the period of time you have been in this position? A. No, sir.

Q. Just one bank? A. Yes, sir.

Q. What is the name of that bank? A. Jefferson Bank.

Q. All right. Now, do you have any other responsibilities in connection with your job in the Welfare Department or Fund? A. That would be generally what I do. We have several girls that help out on this. Myself, that is the majority of things that I do.

Q. Now, the place where you work, is that what is generally referred to as the hall? A. That would be downstairs.

Q. All right. A. Our office has a whole floor upstairs, and that's the welfare office.

Q. Is the building at this address, at 1242 Pierce Avenue, [185] is that a single building? A. Yes, sir.

Q. Is it multi-storied? A. Yes, sir.

Q. How many stories are in it? A. Two.

Q. That's the ground floor and one story upstairs? A. Yes, sir.

Q. Now, I was asking you about the hall, and you said that the hall was downstairs? A. Yes, sir.

Q. Now, the hall occupies then the main floor of this building? A. Yes, sir.

Q. All right. Is there anything else on the main floor, other than the hall? A. The union office, I believe, is what you mean by the hall?

Q. Yes. A. And there's also an office for the Voluntary Fund.

Q. All right. On the main floor? A. Yes, sir.

Q. Well, now, could you describe what is on this main floor, for the jury and for the Court, please? [186] A. You mean the number of offices?

Q. Yes, the number of rooms, and approximately their size? A. Well, there are two rooms to the left of the building that are the Voluntary Fund offices; two offices there. And then on the right of the building is three

offices for the Union, one large room and then two smaller offices off to the side.

Q. All right. So there are four separate rooms or offices, two on one side and two on the other?

The Court: Five.

The Witness: There's one large room of a union hall, and then two separate offices off of those, that one large room, and then on the other side of the hall there are two connecting offices for the Voluntary Fund.

Q. (By Mr. Riddle) All right. Does the hall itself, is it a much larger place than the others, that is? A. Well, the welfare office is the largest, but on the first floor, yes, the union hall is the largest office.

Q. Is this union hall, is that used for meetings of members? A. No, sir, I don't believe it is.

Q. All right. What's it used for? A. Well, the business agents work from there. The [187] secretary and treasurer has an office, and the business manager has an office.

Q. I see. Now, where are the meetings held? Do you know that? Of the members? A. At a different hall, but I don't—

Q. Not in this building? A. Not in this building.

Q. All right. Now then, your job which—you are presently on the second floor. I believe you mentioned there were some other people working there for you, or with you? A. Yes.

Q. How many others? A. There are three regular girls that work, and we have occasionally another girl that comes in and helps.

Q. Ma'am, prior to March or April of 19 and 64, where did you work? A. I worked for the Pipefitters Voluntary Fund.

Q. All right. And at what address? A. 1242 Pierce Avenue.

Q. In the same building? A. Yes, sir.

Q. On a different floor? A. Well, at that time the Voluntary Fund was on the second floor where the welfare office is now, and that was [188] the only office that was up there.

Q. All right. Ma'am, when did you begin working for what you call the Voluntary Fund? Pipefitters Voluntary Fund? A. January of 1963.

Q. You say in January of '63. Do you remember the day of January? A. I believe it was the first week in January.

Q. The first week in January? A. Yes, sir.

Q. Now, who employed you? A. John L. Lawler.

Q. What kind of work had you been doing prior to that time? A. I had not worked for ten years. I was married, and have three children, and I was starting back to work at that time.

Q. All right. Ma'am, when Mr. Lawler hired you, were you given any instructions as to what your duties were? A. Yes, sir. We were going to open up this office for the Pipefitters Voluntary Fund, and I was to do the clerical work, answer the telephones and accept money from the people that paid into the Voluntary Fund, and keep, prepare the bank statements, or the bank deposits, and check out the bank statements, reconcile the bank statements at the end of the month.

[189] Q. All right. Now, were you given any forms, or literature, or cards to work with? A. Well, for the office itself, we were having a card system to keep the record by members. We had a machine, 3100 machine from the National Cash Register Company.

Q. You call it a 3100 machine? A. Yes, sir.

Q. All right. What else did you have? A. Typewriter and desks, and just a general office equipment; adding machine, comptometer.

Q. Adding machine and comptometer? A. Yes, sir.

Q. All right. Was anybody assigned to work with you in that office? A. No, sir. I worked there alone.

Q. And I believe, if I recall your testimony correctly, that was on the second floor? A. Yes, sir, at that time.

Q. The same office that you are working in now? A. Well, it was just a small office. There was no one else up there, and they opened up just a small office for myself up there.

Q. All right. Now, in connection with your duties, did you collect money? [190] A. Yes, sir.

Q. And beginning when? A. January of 1963.

Q. What about the first week that you were on duty? Did you collect any money that week? A. Yes, sir.

Q. All right. Now, from whom did you collect this money? A. From the men that were contributing to the Voluntary Fund.

Q. All right. How was the money delivered to you? A. In different ways. Some of it was mailed in. Sometimes men would come in and pay individually, and sometimes men would come in and pay for a group of men that worked together on a job.

Q. Now, you say that you got the money then from these sources, one by the mail? A. Yes, sir.

Q. And one by individuals just coming in? A. Yes, sir.

Q. And, three, by people coming in from off the job who had collected from other people? A. Yes, sir.

Q. Now, let's talk about the money that came in from off the jobs. [191] A. Yes, sir.

Q. They were collected by one person that brought it in to you. Let's talk about that first.

Ma'am, was this money delivered to you—I am talking now about the first week, along about that time—was it

delivered to you in check or in cash? A. It would be cash and some checks.

Q. Could you give the jury or Court an estimation about what percentage of the total would be checks and what percentage of the total would be cash? A. Well, it would be mostly in cash, and a small percentage would be in checks.

Q. A small per cent? You mean one per cent? A. Different on different jobs, but I suppose about 5 per cent, or something like that.

Q. Would be checks, and 95 per cent would be cash? A. Yes, sir.

Q. All right. Now, with the cash that was brought in, was anything else given to you? A. Yes, sir. They would list, they had sheets, and they would list the man's name and the amount that he was paying, and sometimes they would have the hours on that they had worked for that week, or for whatever period of time they were collecting for.

[192] Q. So with the cash there was a sheet? A. Yes, sir.

Mr. Randall: Your Honor, I am going to object to this procedure of Mr. Riddle of repeating again the answer of the witness.

The Court: It will be overruled. He may proceed. Go ahead.

Q. (By Mr. Riddle) Ma'am, with respect to the sheet we are talking about, can you describe how the sheet and money was delivered to you? A. The man's name was listed, and the amount of money, and then a total of the amount of money, usually.

Q. All right. Well, was the sheet wrapped around the money, or the money separate from the sheet? A. Well, it was usually together, you know, wrapped together.

Q. Now, calling your attention to this sheet, would you describe it as best you can remember what was across the top of it? A. I believe it said, "Pipefitters Voluntary Fund."

Q. All right. A. Either job name, or contractor's name, I forget which, but I think it said job name, foreman's name, date, a line for a date, and then just lines where they could fill in the names [193] and the amounts of money. The name column, the total hours—maybe, no, I just think it was a column where they put hours in, and at the bottom was the total.

Q. On the left-hand column then would be the list of the names? A. Yes, sir.

Q. And these names would be the names of members of 562, or out-of-towners? A. Yes, sir.

Mr. Randall: The sheets themselves are the best evidence. We have the sheets here.

The Court: Well, she can tell about it. I assume that the sheets are going to be marked.

Mr. Riddle: They will be referred to, Your Honor.

The Court: All right.

Q. (By Mr. Riddle) And what was on the next column after the names? A. Well, I believe it was the hours.

Q. The hours worked? A. Worked.

Q. For a period? A. Yes, sir.

Q. All right. Now, do you recall what period of time each sheet covered? What work period? A week, month, or— [194] A. Week. But they would pay by different amounts. I mean sometimes it would be for a week, sometimes they would be paying for a month, or, you know, they would just write it in if it were for more than that. It wasn't always done exactly the same way.

Q. All right. Now, after the amount of worked hours, I suppose it had eight, eight, six or ten, figures like that across? A. Some of them would, and some of them would just have the total, like 40 hours a week if it were for a week, or whatever; 32 hours, or 16 hours, or that type.

Q. All right. So that would be the second column. Then what would be the third or last column over on the right-hand side of this sheet? A. That would be the amount of money that was paid.

Q. The amount of money that was paid? A. Um hum.

Q. All right. Now, at that time, in January of 19 and 63, what amount of money was paid for a 40-hour week, that is, the amount that would appear in the right-hand column for members of 562? A. For members, it was a dollar a day.

Q. So for five days, it would be five dollars? A. Yes, sir.

[195] Q. All right. Now, what was the amount paid and showing up in that right-hand column for what we call out-of-towners? A. That was two dollars a day.

Q. And then if they worked 40 hours, the amount appearing over in the right-hand column would be ten dollars? A. Yes, sir.

Q. Ma'am, was there any designation on this check, or check sheet we are talking about to show whether the person was a member of 562 or of another local? A. This varied. Sometimes there were. Sometimes they would mark down member, you know, 562, or maybe they would put out of town, or sometimes they would put a local number, but everyone seemed to do it differently. It was, you know, no set way that they did it. Sometimes it had nothing on it.

Q. Now, in instances where it had nothing on it, did you make a determination whether the given name, we'll say it is John Jones, whether he was a member of Local

562 or an out-of-towner? A. Well, the amount of money would be different if he was an out-of-towner.

Q. So if you ran down the right-hand column and you saw five dollars, five dollars, five dollars, and then ten dollars, and then five dollars, you know the ten dollars was an out-of-towner? [196] A. That's right.

Q. Is the term or phrase "out-of-towner" familiar to you? A. Yes, sir.

Q. Do you know what I mean—or what is your understanding of that phrase? A. Well, I believe, to me it just means anyone that is not particularly a member, that is not a member of 562. It doesn't necessarily mean they are from out of town.

Q. I see. But out-of-towner is that phrase used to describe non-members rather than where they geographically reside? A. That's what I understand it to be.

Q. All right. Ma'am, again referring to this sheet, or this document that came in, what did you call it? A. Contribution sheet.

Q. Are you familiar with the term "checkoff sheet"? A. Yes, sir. But that did not apply to this office.

Q. What is a checkoff sheet in your— A. Well, that's for the local union. This is where the dues and assessments are paid by the contractor, or deducted from the man's check and paid into the union.

Q. Now, on this sheet we are talking about that was used for these collections and for the delivery of the monies to [197] you, you mentioned that there was at the top of the form an indication of the foreman on the job? A. Yes, it was printed in there, "Foreman".

Q. Now, from your recollection, the person who made the collections and brought them into your office, were they usually and normally the foremen on the job? A. Well, I never did know, you knew, whether they were the foremen, or just who they were. Sometimes they

would put down the name of the foreman there, but that wasn't necessarily the man who brought it in, and so I never did really know who—I wouldn't know who the foreman was on the job, or who, you know. So I would have no idea.

Q. All right. So on a given time—still talking about in January of 1963—this foreman, or some man, would come into your office? A. Um hnm.

Q. And he would have this sheet and money together? A. Yes, sir.

Q. And he gave it to you? A. Yes, sir.

Q. All right. Now then, tell the Court and jury what you did with it after you received it. A. While the man was there, if he was there, if he gave it to me, then I would check to see that the addition was [198] correct and the amount of money was correct that he was turning in.

Q. In other words, you would check his— A. Figures.

Q. —figures? A. Yes, sir.

Q. To see if the total on the extreme right-hand column came to the same figures as the amount of cash he was giving you? A. Yes, sir.

Q. All right. Now, would you give him a receipt? A. No, sir. If he asked for one, I would, but mostly they didn't.

Q. Now, after you did this calculation then what did you do with the sheet and the money? A. Well, the money—are you talking about at the end of the day or—

Q. Yes. A. Well, I would prepare, if they were going to make a bank deposit that day, I would prepare the bank deposit for them, for the checks or whatever was going to be deposited. With the sheets, I would prepare them to post to the cards of the men.

Q. All right. Now, about the cash. Did you make out the bank deposits for cash? [199] A. In '63, in January

of '63, they were not putting cash into the checking account that they had. The checks that they had, I prepared those for the bank, and the cash was not put into the bank at that time.

Q. All right. So you made a segregation of the money when it came in to you? A. Yes, sir.

Q. And in one stack you had checks? A. That's right.

Q. Another stack you have cash? A. That's right.

Q. And if I recall your testimony, the checks you would make out a bank deposit slip for? A. Yes, sir.

Q. And then what would you do with it after you made out the bank deposit slip? A. Well, I would give it to someone—I never made the bank deposits myself, so I would give it to whoever was going to make the bank deposits.

Q. In January of '63, who was making the bank deposits, if you know? A. Mr. Seaton.

Q. Mr. George Seaton? A. Yes, sir.

[200] Q. Is this the gentleman sitting at the table here? A. Yes, sir.

Q. Mr. Seaton is sitting at the end of the table, has his hands on his chin? A. Yes, sir.

(Defendant Seaton stood.)

Q. (By Mr. Riddle) Now then, with respect to the cash, tell the Court and jury what you did with it. A. Counted it and made a total, and put it in an envelope and gave it to Mr. Seaton.

Q. Mr. Seaton? A. Yes, sir.

Q. All right. Now,—— A. May I say that this generally is what I did, but there were times when George, Mr. Seaton, was not there. Then I would give it to, you know, someone else other than him. I don't mean that this was something I did every single day, if he were not there, but usually I gave it to him.

Q. If he was there, you'd give it to him? A. That's right.

Q. Did you have a cash register in your office? A. No, sir.

Q. Did you have a cash box? A. Yes, sir.

[201] Q. And where did you keep it? A. In a desk drawer.

Q. Now, still talking about the cash that you had on your hands, how did you deliver that to Mr. Seaton? In what form? A. I would count it and total it and put it into an envelope.

Q. All right. And would you seal the envelope? A. Yes, sir.

Q. All right. Would you put anything else in the envelope? A. Just the adding machine tape with the total amount in it.

Q. All right. Anything else? A. No, sir.

Q. Now, at that time, what have you done, or what did you do with this sheet, the voluntary checkoff sheet, or whatever you call it? A. Well, at the end of the day I kept those segregated for the day. Those totaled out to the total amount of the checks and the total amount of the cash that I had for that day, and then I would post those to the individual cards for the men.

Q. All right. Now, about these individual cards for [202] the men. Can you tell us about them, what was on the cards, and what you did with them? A. Well, it just had the man's name and address at the top of the card. I don't remember exactly how the columns were, but I believe it was a date, and it was posting date, the date that I was posting, and the next column the amount I was posting for that particular time, and then the total amount. Then I would pick up the total next time, and, you know, post that, and would add to it; running total on it.

Q. So beginning in January of 1963, did you have one of these cards for each man that was working on a 562 job? A. No. I made the cards—You mean as we started?

Q. Yes. A. I made the cards up when—when we first started, I just started making up the cards as the sheets were coming in.

Q. Oh, I see. When one of these collection sheets would come in, you would get the name off? A. That's how we started; yes.

Q. All right. Then over a period of, I guess a few weeks, you would have a card then for every person who was working? A. (Indicating yes.)

Mr. London: I will object to the form of this question.

The Court: All right. It will be sustained.

Mr. Riddle: All right. I will withdraw that, Your Honor.  
[203] Q. (By Mr. Riddle) Do you know at what time, or at what point of time, you had one of these individual cards for each worker on a 562 job?

Mr. Randall: Your Honor, I am going to object. It is assuming a fact that she's not testified to, that she had one for each worker; only people that contributed.

The Court: I think that this is leading, and assumes something that isn't in, so the form of the question is objectionable. The objection will be sustained.

Mr. Riddle: All right. I will withdraw that question.

Q. (By Mr. Riddle) Ma'am, did you make a card of the type that you described for each member of 562, or each person who was working on a 562 job when a contribution came in from him? A. Yes, sir, I made a card.

Q. All right. Now, how many of these cards did you make during the first two months that you were on the job there? Your best estimate. A. Well, I would guess,

but I wouldn't have any idea. I would say around 800 or—but I mean it is just a guess. I don't know.

Q. All right. Now, these individual cards, again referring your attention to them, where were they stored or kept? [204] A. Well, we had a cabinet where the cards were, had a drawer that could be pulled out, and they were set in there right alongside of the machine that we posted to.

Q. All right. And where did you store or keep these individual collection sheets? A. I had a cabinet, a steel cabinet that I kept them.

Q. All right. Now, was your room, the room that you were working in, locked? A. When I was not there. But when I was there, it was not locked.

Q. All right. Who had a key or access to your room? A. I had a key, and I think there was a master key for all the rooms. One key, I think, fit all the rooms up there, but I don't know who had a key to it.

Q. You say there was a master key? A. That fit all the doors in that second floor, but we only used the one office.

Q. Do you know where the master key was kept? A. No.

Q. Do you know who had access to the master key? A. No.

Q. We've talked specifically about January, and possibly February of 1963. I understand from your testimony that you worked continuously in this office up until March or April of 1964? [205] A. Yes, sir..

Q. Did your duties change any from month to month from what you have testified to about January and February? A. No. It was approximately that all the time. That's approximately what I did all the time.

Q. All right. Now, throughout that period of time, did you ever make a deposit of the cash in a bank? A. No, sir.

Mr. Randall: Your Honor, what period of time is he referring to?

Mr. Riddle: From January 1, '63, until—

The Court: Well, I think that it follows the question before, and the question before had to do with her duties until she left in April of '64.

Mr. Riddle: Thanks, Your Honor.

Mr. Randall: I am sorry. I didn't understand.

The Witness: I made no deposits into the bank at any time,

Q. (By Mr. Riddle) of cash? A. Of anything. I made no deposits.

Q. And throughout that period of time, that is, the time that you were working there, you gave the cash to Mr. Seaton if he was present? A. Yes, sir.

[206] Q. And if not present, to somebody else? A. Yes, sir.

Q. Ma'am, again referring your attention to these cards for these checks—

•• (Thereupon, Government's Exhibit No. 70 was marked by the reporter for the purpose of identification.)

Mr. Riddle: Your Honor, we had a number of exhibits from 1 through 69 marked previously. This exhibit was not marked previously, so we are giving it the number 70.

The Court: All right.

Q. (By Mr. Riddle) I'll show you, ma'am what has been marked Government's Exhibit 70, and ask you to examine it for us, if you could, please. Is that a familiar document to you? A. Yes, sir.

Q. All right. What does it appear to be? A. A contribution sheet; copy of a contribution sheet.

Q. Is that this collection sheet, or contribution sheet that you have been referring to heretofore in your testimony? A. Yes, sir.

Q. And that contains the name of the workers? A. Yes, sir.

Q. Amounts paid, hours worked and totals? A. Yes, sir.

Q. All right. And for what pay period does that sheet [207] that you have in your hand cover? A. It says March 10, 1963.

Q. March 10, '63. All right. And what job would that be? A. It says Tom Sauk.

Q. Tom Sauk job? A. Yes, sir.

Q. And it has a number of employees' names on the left-hand column? A. Yes, sir.

Q. All right. What is the name of the first employee? A. R. Davis.

Q. All right. And then does it indicate the number of hours worked? A. Yes, sir.

Q. How many hours did he work? A. It says eight hours each day for five days; 40 hours.

Q. And what appears in the extreme right-hand column? A. Paid column, \$7.50.

Q. Now then, what does that indicate to you as the office manager or bookkeeper? The \$7.50? A. That is how much he paid for the week.

Q. All right. Does that tell you whether or not he's an out-of-towner or a member of Local 562? [208] A. This would be an out-of-towner.

Q. An out-of-towner? A. Yes, sir.

Q. How could you tell that would be an out-of-towner? A. By the amount of money that he paid.

Q. By the amount of money that he paid. All right. Let's look at another one on the list. Look over care-

fully and see if you can see or identify any person on this list who was not an out-of-towner that would be a regular member of 562. A. I don't know them by name.

Q. All right. But by using your analysis, based upon the paid column on the right side—

Mr. Daly: Your Honor, we will object to this. I think he is asking the witness to make an assumption, something she doesn't know of her own knowledge.

The Court: Well, I think maybe the form of the question may be objectionable, Mr. Riddle, but I think that you can ask her if there is any amount in the right-hand column that is less than the one, or different than the one that—

Mr. Riddle: Very well, Your Honor.

Q. (By Mr. Riddle) By looking at the right-hand column, is there any amount less than the one you just mentioned, Mr. Davis? A. Yes. Six dollars for four days worked.

[209] Q. Six dollars for four days worked. Now then, is there any other difference in the column from the one that you mentioned first, Mr. R. Davis? A. The next one would be the nine dollar one.

Q. What is that man's name? A. R. Seeker.

Q. Nine dollars. All right. Now, how many hours did he work? A. He worked thirteen hours one day and eight hours every other day.

Q. So he worked more than forty hours that week? A. Yes, sir.

Q. And there's a total, I believe, appearing on the bottom on the right-hand side? A. Yes, sir. One hundred seventeen dollars.

Q. One hundred seventeen dollars. And this is for how many employees? A. Sixteen.

Q. Sixteen. Ma'am, I notice that there appears on here a column between the hours worked and the name of the worker. A. Yes, sir.

Q. Can you examine that and tell the Court and jury what that column contains? A. That's an accumulation of several weeks' work for [210] posting rather than post each individual week. Sometimes we did, but if we didn't have time, we would add them up, you know, like if for two or three weeks, or however many weeks I would have, and put that total, accumulation total in that column there, and post that figure.

Q. All right. Now, who did the accumulating and the posting of that figure on this sheet? A. I did.

Q. All right. Let's take the top man that appears on there. His name is Davis. A. Yes, sir.

Q. And in the first column there appears a figure of thirty dollars? A. Yes, sir.

Q. What does that thirty dollars indicate? A. That he had paid for several weeks, and I added his totals together and posted them at one posting, thirty dollars.

Q. Then does this show the amount of money he's paid theretofore between—for a given period of time? A. It would show that he had paid for several weeks, and that I posted them at one time.

Q. How does this column here, the first column, differ from the last column? Can you explain that to the Court and jury, please? [211] A. How does it differ?

Q. Yes. A. Well, it's an accumulation of things that I totaled up and posted. These figures here, if you mean—these were put down by someone on the job. I put these here down here.

Q. So they are your work product? A. Yes, sir.

Q. And how did you go about finding out how much had previously been paid by these sixteen employees? A. Well, what I meant by that was I would have several weeks of

this Tom Sauk job, for instance, there that had not been posted, so instead of posting Mr. R. Davis \$7.50 for that week and \$7.50 for the next, I would take all these sheets and add them together and put one figure down here, and then post this figure here, and then these sheets would have been clipped together and the totals here would equal the totals of each individual sheet.

Q. Very well. All right. Now, then, where did you enter this thirty-dollar figure which would be an accumulation of several weeks, or a few weeks? Where would you enter that figure in your records? A. On Mr. R. Davis's card.

Q. His individual card? A. Yes, sir.

[212] Q. All right. Now then, is this the type of posting that you did on the individual card that you testified to earlier? A. Yes. I would either post them weekly as they came in, or, you know, how much they were paid. If I did not have time to get them all posted, then I would add them up like this and post them like that, you know, several weeks together.

Q. All right. Now, so on this individual card, if I understand your testimony, there would be at all times the total amount paid for the period indicated on it? A. On the individual card there would be the total amounts that they had paid; yes.

Q. All right. From whatever job they were working on? A. Yes.

Q. All right. Now, the workers who appear on this particular sheet, that is, Government's Exhibit No. 70, I believe you say that that appears to be that they were working on the Tom Sauk job? A. Yes, sir.

Q. What would you do, if anything, in the event a worker appearing on that sheet was transferred to the Portage de Sioux job? A. Nothing. I wouldn't possibly even know it.

Q. All right. How would you pick that person up on his [213] single job? A. When he would be reported from a different job, or else mail his job in, or pay it. Where he worked had no bearing on how I was handling it.

Q. But the question I am asking you, ma'am, is even though he did change jobs in the week, at the end of the period you would pick his name up and enter on that single card the total amount he had paid, whether it was from the Tom Sauk job or from another job. A. I guess I'm not explaining it right.

Q. Well, please do. A. I would enter all the names on this sheet. Now, if he worked at a different job, and his name appeared on that sheet, then I would enter it from that sheet, but I would not, you know, know whether he was at one job or another. Just wherever his name would appear, that's how I would post him.

Q. All right. Ma'am, from the records that you kept, could you determine if a person was delinquent or in arrears? A. Well, no, because I really don't, I wouldn't know like if they were working or not working, or if they were, you know, in town or out of town, or—Now, I could show you if a man had not paid anything, but that would not necessarily mean he was delinquent. For instance, he may have retired, or he may be sick, or he may not be working, or whatever.

[214] Q. But the records you kept in your office would tell you whether or not a man had paid anything for any given week? A. Yes, sir.

Q. And if you wanted to check John Jones working on the job down at Tom Sauk, all you had to do was go to the record and check to see if he had paid? A. Again, not by jobs. His record would not show that. If I were to look up, you know, like for instance where this Mr. Davis, if I knew he was working at Tom Sauk, I would have to look at these records.

Q. All right. And of the 800 or so cards that you testified you had, in just a few seconds you could look to his card and tell? A. How many dollars he had paid?

Q. How much he had paid. A. That's right. Yes, sir.

Q. And from that could you find out how much he had paid, and from the cards or from the sheets you have in your hand, you could find out how much he had worked?

A. Not necessarily. Not necessarily that either.

Q. Ma'am? A. Not always had a way either, because many times they would put, I mean everyone did it a little bit different, but many times they would have on these sheets only men who had [215] paid, for instance. Now, he may be working there and have not paid. Do you see what I mean?

Q. All right. Now, then, suppose—I am asking you the way you handled your office now. A. Yes.

Q. Suppose that this R. Davis on one of these reports shows up as having paid nothing? A. There were some that did it that way too. They had nothing there.

Q. Then suppose the next week the sheet came in from the same job for the same R. J. Davis that shows he had caught up. How would you enter that? A. Just in the total amount.

Q. From checking the collection sheets that came in, could you determine whether a man had caught up or whether he was delinquent?

Mr. London: I am going to object to this, Your Honor. There is no such thing as a man being delinquent or being in arrears or having to catch up. There is none of that in evidence.

The Court: I assume what you are objecting to is the word "delinquent." I will sustain it as to that word.

Mr. Randall: Your Honor, in addition to that, she said she had no way of telling at all if they didn't list the [216] name.

The Court: I think he has a right to determine what the records were that were employed.

Q. (By Mr. Riddle) Ma'am, may I ask you this question: In examining the type of report, the form you have in your hands, from time to time, did you notice that notations would be entered frequently showing that a person owes or that a person was behind? A. That was written on records.

Q. Often and frequently, was it not?

Mr. London: I will object to the form of this question.

Mr. Riddle: I will withdraw it.

The Court: The questions were whether or not she ever noticed. All right. She may answer.

The Witness: Yes. Yes, I did notice it.

Q. (By Mr. Riddle) What would you notice with respect to that? A. Well, sometimes it would just have nothing in this total paid column. Sometimes there would be a notation "owes".

Q. Owes? A. Or sometimes there would be a notation that would say, "Paid by mail," or, "Paid at the hall," or, you know, they would write little things in it.

[217] Q. Ma'am, on the particular sheet for the week ending March 14, 1963, are there any people on that job who failed to pay or contribute? A. No, sir.

Mr. Daly: Your Honor, I am going to object. She wouldn't know how many people were on the job. She only lists those that did pay.

The Court: Well, I will sustain the objection as to the form of that question, and to the question. You might

ask her if this affects all people that were working at Tom Sauk.

Mr. Riddle: I will withdraw that question.

The Court: Or if she knows how many were working.

Q. (By Mr. Riddle) Ma'am, of the sixteen names that appear on that sheet, had any of those sixteen not paid for this work period? A. No, sir.

Q. Now then, ma'am, do you know, of your own knowledge, if anybody else was working on this project at Tom Sauk for that period ending March 10, 1963? A. I don't know who works on the jobs.

Mr. Riddle: All right. If it please the Court, at this time we'd like to offer into evidence the Government's Exhibit No. 70.

The Court: Well, I think it is admissible, but I [218] would prefer that we try to get as many as we are going to have, and then, although Mr. Nangle was jumping to his feet there. Do you have an objection, Mr. Nangle?

Mr. Nangle: Your Honor, I'd like to confer with these others. The only thing is that the original is available, and we might want to examine the original before Your Honor actually admits this in evidence.

The Court: Well, that is perfectly all right. I would think that you would know.

Mr. Nangle: Well, we weren't advised that this document might be offered in evidence today, Your Honor.

The Court: What?

Mr. Nangle: I didn't know that this document would be admitted in evidence.

The Court: I realize that this was not one that you went over last night, but wouldn't it be more orderly for

your purposes to get them in line, and ultimately I will admit 1, 3, 7, 10, and so forth, and maybe 70.

Mr. Riddle: Your Honor, I will withdraw our offer at this time, and we will submit a number of them at the same time later.

Q. (By Mr. Riddle) Ma'am, in examining the sheets, hundreds of sheets that came in while you were working there, or there, did you notice any collections or payments from [219] apprentices?

Mr. Daly: I will object, unless——

Mr. Randall: No foundation.

Mr. Riddle: All right. I will ask her——

The Court: All right.

Q. (By Mr. Riddle) Are you familiar with the term "apprentice"? A. Yes, the term apprentice.

Q. What do you understand an apprentice to be? A. One learning the trade; not a journeyman, not a full journeyman.

Q. And not a member of the local? A. Well, now, I'm not sure about that.

Q. Well, do you know whether or not apprentices paid into the fund while you were there? A. I'm not sure. I don't remember ever—Do you mean like a special collection of apprentices?

Q. Yes. Or no collection from apprentices at all. Do you know? A. No, because I wouldn't know them by name. I wouldn't know any names of apprentices, and if they didn't show up on the sheets, I wouldn't know if they were apprentices or not.

Q. During the time you were there, do you know of any [220] member of the 562, or any person working on the job, who didn't pay into the fund that you controlled? A. Well, I would have no way of knowing like who would

not pay, you know, if they paid regularly, because of the work schedule, because I wouldn't know whether they were working or not.

Q. Do you know whether an apprentice pays the regular dues into the union? Do you know that? A. No, sir.

Q. Ma'am, again referring to the sheet here, or the title sheet, and it's evidenced by Government's Exhibit 70, did you have a supply of these in your office? A. Yes, sir.

Q. Do you know how these got from your office into the hands of the foremen or stewards? A. Well, the one who would bring the reports in, if they needed more sheets they would at times ask me for them, and I would give them more sheets. Now, whether or not they gave them to the foreman, I don't know, but I know that is one of the ways that they got them. I had, you know, a supply of them.

Q. Now, when you began working there on January 1st—the first week in January, did you distribute these sheets to everyone? Or how did you distribute them out on the jobs? [221] A. I don't know. I don't think I gave them out as a group. I think they were already given out. That part of it had been taken care of, as I remember. I don't remember giving them out as a group. Just when they needed more, then I would give them.

Q. When you came on the job, these forms, collection sheets, were already out on the jobs, is that what you are telling us? A. Yes, that's how I believe it was.

Q. All right. Ma'am, are you familiar with the designation of metal tradesmen? A. No, sir. I mean I have heard metal tradesman, the word "metal tradesmen," but I don't know what it is.

Q. Do you know the difference between a pipefitter and a metal tradesman? A. Well, pipefitters—I know what pipefitters are, but I don't know what metal tradesmen are.

Q. Do you know if metal tradesmen are a part of the pipefitters' local? A. No.

Q. You don't know that? A. No, sir.

Q. Did you ever see any metal tradesmen come into your office, or come in where the Voluntary Fund was, and identify [222] himself as such? A. No, sir.

Q. Ma'am, on the individual sheets or cards that you maintained for each member or worker, I believe you testified that you had his address on there? A. On some of them, I did.

Q. All right. Where did you obtain that address? A. I believe I was given a list. I was having problems identifying people. There were so many names that are alike, similar, and I was trying to find, you know, a way that I could perhaps identify them better, and I believe I asked for a list of names and addresses. I thought by this I could perhaps tell them apart.

Q. How did you ask for that list of names and addresses? A. I would imagine it would be Mr. Seaton, but I'm not positive of that. I'm pretty sure that's who it was.

Q. All right. And what did you obtain from Mr. Seaton in response to that request? A. Addresses for the—some names and addresses that I tried to, you know, identify these people with. I put on their cards then.

Q. All right. Now, making reference to this pension fund that you keep now— A. Yes, sir.

[223] Q. Can you tell the Court and jury whether or not the out-of-towners are given any credit for pension for money that comes into that fund if any money is paid in for them? A. Well, the out of town people, there's no difference in them in the welfare. Anyone who works out of this local in this jurisdiction is paid fringe benefits into this local, so our office actually doesn't keep any distinction between the out-of-towners or members of 562. That doesn't enter into it, and their benefits are the same.

Q. So on the welfare, not welfare, but the pension and welfare portion you get from the contractors? A. Yes, sir.

Q. This contains contributions from them to the out-of-towners, as well as your regular members? A. Yes, sir.

Q. All right. Who succeeded you in your position? A. Edward Beck.

Q. Ma'am, are you related to either of the defendants? A. Yes, sir. Mr. Callanan is my uncle.

Q. Are you married to his son, or how is it? A. No. He is my mother's brother, and my uncle.

Mr. Riddle: We have nothing further of this witness at this time, Your Honor.

Mr. Randall: Your Honor, may I be permitted to [224] interrogate the witness?

The Court: All right.

Mr. Randall: May I first ask if there is any Jenks statement on this witness?

Mr. Riddle: No Jenks Act.

Mr. Randall: Did the witness testify before the grand jury?

Mr. Riddle: Yes, sir.

Mr. Randall: May I request her testimony before the grand jury?

The Court: We will have a hearing on this.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

The Court: I think that maybe they are entitled to this.

Mr. Riddle: Your Honor, we have no objection for them seeing the transcript of the grand jury as these witnesses go on the stand. We have concluded that that would be in the interests of justice.

The Court: How much testimony is there?

Mr. Riddle: Fifteen or twenty pages; not too much.

The Court: How long would it take you to digest it?

Mr. Randall: Not very long, Your Honor. I'd be willing to proceed with some interrogation of this witness, and [225] maybe we could get the testimony and the other attorneys will look at it. We will try to do it as speedily as possible, Your Honor, and if we could get it before the witness is excused—

The Court: Let the record show that the District Attorney's office has given a transcript of this witnesses' testimony before the grand jury.

Mr. Randall: When you have your regular recess, we can digest it.

(Thereupon the trial was resumed before the jury as follows:)

The Court: Members of the Jury, the District Attorney is giving a transcript of this witness's testimony before the grand jury to the defense counsel. It is the first time they have seen it, so we will have about, well, be back about twenty after. Be guided accordingly now, so be available at twenty after, and bear in mind the admonition I have given you heretofore. Young lady, you can step down.

(Following a brief recess, witness Patricia Stiefferman resumed the witness stand, and the further following proceedings were had:)

**Cross-Examination.**

By Mr. Randall:

Q. Mrs. Stiefelman, in your direct examination you first describe your functions with the Welfare Fund, or [226] welfare benefits for pipefitters? A. Yes, sir.

Q. And you said that the contractors paid so much per hour into this Welfare Fund? A. Yes, sir.

Q. How much do they pay per hour of work into the Welfare Fund? A. Two dollars and seventeen and a half cents.

Q. Two dollars and seventeen and a half cents. Now, how much do the pipefitters draw per hour of work, in addition to the Welfare Fund? Do you know that? A. No, sir.

Q. What their wage scale is? A. No, sir.

Q. And turning for a moment over to your later testimony concerning the voluntary contributions, during the period that you were in charge of that, or worked with that? The members of Local 562 paid twelve and a half cents per hour; isn't that correct? A. A dollar for eight hours; yes, sir.

Q. And those people who were not members paid twenty-five cents per hour; is that correct? A. Yes, sir.

Q. Now, let's talk a moment to what Mr. Riddle [227] characterized the out-of-towners. Now, many of those people who were not members of Local 562 also were not members of another pipefitters local, but were members of the Boilermakers or Ironworkers, and those unions? A. Yes, sir.

Q. And some of them were not members of any union; isn't that correct, ma'am? A. I don't know that.

Q. You don't know that. Now, getting back into your earlier testimony, are you aware that the pipefitters local held their meetings at the Electricians' hall? A. Yes, sir.

Q. In other words, they don't really have a hall at all, do they, Mrs. Stiefelman? A. No, sir.

Q. All you really have there is an office building? A. That's right.

Q. And during the—at the present time, the upstairs portion of the office building is occupied by the staff of the Welfare Fund, or the welfare benefits? A. Yes, sir.

Q. This fund in which the contractors pay two dollars and seventeen and a half cents per hour into? A. Yes, sir.

[228] Q. And the people who work under the jurisdiction of Local 562, the contractors pay the same amount into that Welfare Fund, don't they? A. Yes, sir.

Q. And they receive the same benefits? A. Yes, sir.

Q. As the members of the local? A. Yes, sir.

Q. And that includes Christmas vacation benefits; is that right? A. Vacation.

Q. Vacation benefits, medical benefits? A. Yes, sir.

Q. Does that include scholarship benefits for some of the children of this local, or out-of-towners? A. I am not sure whether it includes scholarships, but it includes life insurance and hospitalization and medical and vacation and holiday benefits.

Q. Now, you have been with the Welfare Fund since March of '64; is that correct? A. Yes, sir.

Q. What was being paid per hour as benefits into that Welfare Fund when you first went to work there in 1964?

A. I believe it was ninety cents.

[229] Q. In other words,— A. Seventy-five cents.

Q. In other words, it's gone from seventy-five cents to two dollars and seventeen and a half cents since March of 1964? A. Yes, sir, it's gone up.

Q. Now, in the case of the Welfare Fund, at the present time that is paid directly by the contractors; isn't that correct? A. Yes, sir.

Q. In other words, they have checkoff, what we refer to as checkoff. It is deducted? A. No, sir. This is not deducted.

Q. Oh, pardon me. It is not. It is in addition. A. This is in addition to their salary.

Q. But it is paid directly by the contractor? A. Yes, sir.

Q. And it is not collected from the men themselves? A. No, sir.

Q. Ma'am, going back to the beginning of this thing, when you first started to work for the Voluntary Fund you say the offices of the Voluntary Fund were upstairs in this building; is that correct? A. Yes, sir. There was one office upstairs.

[230] Q. And downstairs you have five offices? A. Yes, sir.

Q. And at that time one side of the corridor was the Welfare Fund? A. That's right.

Q. And the other side was the local's business? A. Yes, sir.

Q. And that's where the officers of the local and the business agents did their work? A. Yes, sir.

Q. Now, do they still do their work on that side of the hall, where they did in the beginning? A. Yes, sir.

Q. They still occupy exactly the same quarters? A. Yes, sir.

Q. The only change that took place was when the Welfare Fund grew bigger, it moved upstairs and the Voluntary Fund downstairs? A. Yes, sir.

Q. To the other side of the corridor? A. Yes, sir.

Q. Now, in this beginning, back at first when you were collecting this money, did you post the receipts, both cash and checks, to a cash receipts ledger? [231] A. Yes, sir.

Q. And those cash receipts ledgers, are they here? A. Yes, sir.

Q. Would you recognize them? A. Yes, sir.

Q. Is it one of these books here? A. Yes, sir.

Q. And which one is it, ma'am? A. It would be 1963.

Q. In other words, those are the ones—the one you would have would be '63 and '64? Is that correct? A. That is when it started.

Q. I am going to show you what's been marked as Plaintiff's Exhibits 1 and 2, and ask you if those are the cash receipts ledgers that you posted the money that you received, both cash and checks? A. Yes, sir, these are the ones.

Q. And you accurately reported the money that was brought in to you in those books, did you ma'am? A. Yes, sir.

Q. You didn't hide any out, or leave any out at all? A. No, sir.

Q. And all the money that you turned over to Mr.—may I take them back—to Mr. Seaton, or anyone else, [232] is accurately reflected in these books? A. Yes, sir.

Q. Now, ma'am, before you left this operation, before you left the Voluntary Fund entirely, didn't they abandon the use of the cards for each individual worker? A. Yes, sir, in '64.

Q. In '64. And why did you abandon the use of those cards for each individual worker? A. Well, they have served no real purpose for anything. It was a great deal of posting work, a great deal of individual work, but the cards were really of no benefit, and as I said before, the thing that I felt about it was that the names were so similar, and, you know, so it was hard to know that you had actually really posted it to the right person.

Q. First of all, you found it impossible to determine whether a particular individual had made the contribution; is that correct? A. Yes.

Q. Because of the similarity of the names, like J. Moore and G. Moore, and that sort of thing? A. Yes, sir.

~~Q.~~ Q. So you found it impossible to determine whether or not the people had made their contributions. It was of no value for that purpose? [233] A. Yes, sir.

Q. And, secondly, all you were really interested in was the amount of money contributed; isn't that correct? A. That's right.

Q. And you posted directly then from these collection sheets to your books? A. Yes, sir.

Q. Now, Mrs. Stiefelman, were you aware during the period that you were there that some of the workers did not contribute to the Voluntary Fund? A. Yes, sir, I knew that, but I said I could not identify or I could not tell by the sheets whether or not—

Q. You were just generally aware of the fact that it was not a complete system of contribution? A. Yes, sir.

Q. And you don't know who they were? A. No, sir.

Q. Nobody mentioned to you who they were? A. No, sir.

Q. You heard no discussion or complaints about those who were not contributing? A. No, sir.

Q. And so far as the cards were concerned, when you did keep the cards, you had no way of knowing whether everybody [234] was contributing and on the list at all, did you, Mrs. Stiefelman? A. No, sir.

Q. All you did was make a card up for a man who contributed? A. That's right.

Q. And you said sometimes when a sheet came in, one of the sheets that we identified as Government's Exhibit 70, there would be a name, and it said nothing, no contribution; isn't that correct? A. Yes, sir.

Q. Sometimes it said he had paid by mail? A. Yes, sir.

Q. Sometimes it said he had paid at the hall? A. Yes, sir.

Q. Now, by the hall, are you referring to your office building there? A. Yes, sir.

Q. And sometimes it said he owes? A. Yes, sir.

Q. And, of course, there may have been names that weren't on there at all, on the list? A. Yes, sir.

Q. Is that correct? [235] A. Yes, sir.

Q. Now, I understand because of your great difficulty in managing these cards and determining who was whom, you asked Mr. Seaton if he would try to get you some of the addresses to identify people? A. Yes, sir.

Q. And that was the only purpose of adding in some of the addresses? A. Yes, sir.

Q. Now, since the end of 1964, you have had nothing to do with this Voluntary Fund; am I correct on that? A. Well, no, I still help out. I don't work for the Voluntary Fund, but—

Q. You still help out? A. Yes, sir.

Q. And do you see their bank statements and bank ledgers, and that sort of thing? A. Yes, sir.

Q. And isn't it a fact, Mrs. Stiefelman, that the cash was all deposited, except what was expended in the early years, in the bank account ultimately? A. Yes, sir.

Q. And it was all accounted for, wasn't it? A. Yes, sir.

[236] Q. And it agreed with the cash that you received and first entered into these books? A. Yes, sir.

Mr. Randall: That's all for me, Your Honor.

Mr. Daly: I have no questions, Your Honor.

Mr. Nangle: I have no questions, Your Honor.

The Court: All right. Any redirect?

Mr. Riddle: Yes.

**Redirect Examination.**

By Mr. Riddle:

Q. Ma'am, you mentioned that since March or April of '64 you still go back and help out some with the— A. Yes, sir.

Q. How often do you go back and help out now? A. Well, it's no particular time or hours, but I usually help out with reconciling the bank statements, and I posted these ledgers, kept those up. I don't work there daily though, or accept any money, or—there's no posting or anything done, but I usually help out with these things.

Q. Is this each week? A. No, sir.

Q. Once a month? A. Yes, sir. Usually in the month I'd say maybe four or five hours in the month, or, you know, maybe a little bit more, [237] depending.

Q. And since you left the Fund, do you get one pay-check from the union? A. No. I'm paid from the Welfare office.

Q. From the Welfare office? A. Yes, sir.

Q. By Welfare office check? A. Yes, sir.

Q. You just receive one check each month since you work there, and that is from the Welfare office? A. Yes.

Q. For these hours that you work each month on these books, on this Voluntary Fund, you haven't got a separate check for that? A. No, sir.

Q. Ma'am, showing you what's been marked Plaintiff's Exhibit 1, I'll ask you to examine it and identify it for the Court and jury, please. Can you identify it for us? A. Yes, sir.

Q. Would you please do so? A. This is the ledger that I wrote up that I kept for 1963.

Q. Now, in this ledger you contain, or you enter what figures and what—or make what entries in it? [238] A. Well, the bank deposits, and the dates, and the amount of

cash down here, and the checks, the check numbers and the dates, and to whom they were written, and the amounts, and then totals on all of them.

Q. Does this book reflect all receipts and all disbursements from out of that particular fund? A. Yes, sir.

Q. For the year 1963? A. Yes, sir.

Q. All right. Thank you. Ma'am, I will show you now what's been marked Government's Exhibit No. 2, and ask you to examine it, if you would, please. Do you know what it is? A. Yes, sir, it is the—

Q. Would you tell the Court and jury what it is, please?

A. It is the journal ledger for 1964, and it has the same thing, the bank deposits in it, cash deposits, and the checks, and to whom they were paid, and the amounts and the totals.

Q. All right. In other words, it shows all receipts and all disbursements? A. Yes, sir.

Q. And to whom the disbursements were made? A. Yes, sir.

Q. Does it purport to indicate the purposes for the [239] disbursements? A. Yes, sir.

Q. And what categories are contained in that particular exhibit? A. I think I have it here. Office equipment, office expenses, payroll taxes, political, charity, defense, educational, legislative and miscellaneous.

Q. All right. Is that same thing true for Exhibit No. 1, 1963? A. I believe it is; yes, sir.

Q. It is. What you have just examined and identified as the original record and books of the Fund? A. Yes, sir.

Q. And that same thing is true for 1 and 2? A. Yes, sir.

Q. I notice that, well, Exhibit No. 2 contains entries for the period from and through the rest of the year, as well as the first several months? A. Yes, sir.

Q. Did you enter all of these yourself? A. Yes, sir, I continued to do it all until the end of '64.

Q. Even after you had gone to the other fund? A. Yes, sir.

[240] Q. Now, I show you Government's Exhibit 3, and ask you to examine it and identify it for the Court and jury, if you would, please? A. This is the record for 1965.

Q. For 1965. Does it have the same entries and the same categories and columns as the others? A. Except that in '65 we did not break it down according to categories. It is just the checks and the names of the people that the checks were written for, and the total amount. There were no categories for them.

Q. So it shows all receipts and disbursements? A. Yes, sir.

Q. And to whom the disbursements were made? A. Yes, sir.

Q. But it doesn't identify the purpose? A. That's right.

Q. Now, did you keep this book also and make the entries? A. Yes, sir.

Q. Throughout the whole year of '65? A. Yes, sir.

Q. All right. I will show you what's been marked as the Government's Exhibit No. 4, and ask you to examine it and identify it, if you can, for us, please. A. This is a check register that was used in 1965.

[241] Q. 1965. Will you define, or explain that more thoroughly for the jury, please? A. Well, this I did not keep at this time.

Q. All right. A. But it has a check number and the date the check was written, and to whom, and the amounts, and then the bank deposits that were made.

Q. All right. Now, I'll show you what's been marked as Government's Exhibit No. 5, and ask you to examine it and identify it for the Court and jury, if you would,

please. A. This is the record for 1966, and I kept this record.

Q. All right. And what does it contain? A. The disbursements and the receipts and the deposits into the bank.

Q. All entries made in there were made by you? A. Yes, sir.

Q. All right. At whose request or direction did you go from your Welfare Fund chores to your Voluntary Fund chores? A. Well, I just continued to help out. In '64 when I left, no one was really assigned to the job, so while I, you know, when I started working in the welfare office, then I continued to do this, the posting and keeping up the records, and I did it in the evenings and on Saturdays so that we could, you know, keep it up and finish it off for the year. Then in [242] '65 I just helped out whenever I could, you know, whenever they needed anybody, but mainly for this I kept the journal and made the, took care of the—I have lost my words—bank statements and reconciled them, and things like that.

Q. All right. But after you left that particular Fund's office in '64, you didn't continue to collect the money that came in? A. No, sir.

Q. All right. Now, you have identified the ledgers or the books for the years '63, '64, '65 and '66, and also the book that has on the front of it, "The Executive," that has been marked Government's Exhibit No. 4. Can you explain to the Court and jury what that Exhibit No. 4 contains that wouldn't be contained in here, or what function it serves? Can you tell us that, please? A. Well, this was the check register. As they wrote out the checks, they would enter in here the check numbers and dates and names; and to whom they were issued, and keep running totals on them. These were really transferred into this here record in here.

Q. Would every item and entry in the book that you have, that is, Government's Exhibit No. 4, been always contained in—— A. In this year's in that.

Q. —in the year? [243] A. Yes, sir.

Q. And that's for the year '60—— A. 5.

Q. '65. So it would be in Government's Exhibit No. 3 for the year '65? Is that correct? A. Yes, sir.

Q. All right. Thank you, ma'am.

Now, did you write checks for the Fund yourself? I am talking now about the Voluntary Fund? A. The Voluntary Fund; in '63 and '64.

Q. All right. A. I did. Not all of '64 now, but in the beginning of '64 I wrote them all, and after that I have occasionally paid bills or typed up the checks for them, but I did not from then on handle the business or the checks.

Q. When you didn't write the checks that were drawn on the Voluntary Fund, do you know who did write them? A. Usually Mr. Beck.

Q. All right. Is he a typist? A. He types; yes.

Q. He does type some? A. Yes.

Q. Now, did the Voluntary Fund have checks printed? A. Yes, sir.

[244] Q. Could you identify the checks that were printed and used by the Fund, if you were to see them? A. Yes, sir.

Q. Ma'am, I will show you what has been marked Government's Exhibits 6 through 59, and ask you to examine them and see if you can identify them for the Court and jury, please? A. These are copies of the checks.

Q. Exact copies. Are they photo-copies? A. Yes, photostat copies.

Q. All of them checks on the account of the Voluntary Fund? A. Yes, sir.

Q. All right.

The Court: Did you say '59 or '69?

Mr. Riddle: It would be '59, Your Honor.

Ma'am, can you, by looking at these checks, Exhibits 6 through 59, state which ones you wrote? Could you do that?

A. Well, I can say that in '64 most—all the checks were written by me that were here, I am pretty sure of that.

Q. What about '63? A. I don't see any.

Q. All right. '64. A. In '65, as I say, I occasionally did write checks or [245] pay bills, but I wouldn't have any idea which ones they were.

Q. But you can say that all the checks written in '64 were written by you? A. Yes, sir. Most all of them. There were occasions when I didn't, if I was sick, or off, or something.

Q. Well, I'll show you what's been marked Government's Exhibits 6 through 34, which appear to be all the checks of this series of exhibits that were written in 1964. Will you examine them and see if you can state whether or not they were written by you? A. The only ones that were not written by me were these two.

Q. All right. You are handing me Government's Exhibits 30 and 32, and it is your testimony that they were not written by you? A. Yes, sir.

Q. But all the others, that is, 6 through 34, with the exception of 30 and 32, were written by you? A. Yes, sir.

Q. Now, can you tell the Court and jury at whose direction these checks were written?

Mr. Randall: Well, Your Honor, the foundation is missing as to whether it was anybody's direction. She may have just paid bills.

[246] The Court: I am sure she will answer. It will be overruled. Go ahead.

The Witness: Most of these are political checks, and Mr. Seaton would tell me, usually, who to make the check out to.

Q. (By Mr. Riddle) All right. I notice, ma'am, that all of these purport to be signed by Mr. Lawler, with the exception of Government's Exhibits 33 and 34, which purport to be signed by Lawrence L. Callanan. Can you examine those and see if those are, in fact, the signatures of Mr. Lawler and Mr. Callanan, if you know? A. Yes, sir, they are their signatures.

Mr. Riddle: At this time, Your Honor, we offer into evidence the Government's Exhibits 1 through 59, and ask that they be received, and withhold showing them to the jury.

Mr. Randall: Your Honor, could I examine these checks a little bit?

The Court: All right. What about 1, 2, 3 and 4 and 5? Do you have any objection to those?

Mr. Randall: I have no objection.

The Court: They will be received.

(Whereupon Government's Exhibits Nos. 1, 2, 3, 4 and 5 were received in evidence.)

(Mr. Randall examined exhibits.)

The Court: I take it there is no objection. Exhibits [247] 6 through 59 will be received.

(Whereupon Government's Exhibits Nos. 6 through 59 were received in evidence.)

Q. (By Mr. Riddle) Ma'am, Mr. Randall asked you about these individual cards showing the payment for

each of the people paid in. I believe you testified that after a while that system was discarded? A. Yes, sir.

Q. Do I recall your testimony to be that it had served no useful purpose? A. Yes, sir.

Q. All right. Ma'am, do you know who made the decision to institute that system to begin with? That is, in January of '63? A. No, sir, I don't.

Q. Did you? A. No, sir.

Q. There was a machine that was purchased for the purpose of keeping these individual card records? A. Yes, sir.

Q. Did you purchase that machine? A. No, sir.

Q. Do you know who did? A. No, I don't. It had been ordered before I got there, [248] so who—it came after I was there. It came sometime in January, I believe, around, you know, the first part of the year, but I did not. It was already purchased before—or that is, it was ordered before.

Q. Did you talk to anyone, or any of the defendants, at the time that the machine was delivered, as to what purpose or function it would— A. Yes, sir, they told me that.

Q. By "they", who? A. Mr. Lawler told me that they had purchased a machine, or had ordered a machine, and that they were going to keep individual cards, and they were trying to set up a system at the beginning for the office, and thought that this was the best way to do it to begin with.

Q. All right. Ma'am, during the period of time that you have been in the Welfare Fund— A. Yes.

Q. —have those books been audited regularly? A. Yes, sir.

Q. All the time that you were working for the other fund, the Political Fund, were those books ever audited? A. No, sir.

Mr. Riddle: That's all.

The Court: Mr. Randall?

[249] Mr. Randall: Yes, I have a few questions.

**Recross-Examination.**

By Mr. Randall:

Q. Mrs. Stiefelman, this Government's Exhibit 4 served for the purpose and is the same as a stub checkbook?

A. Yes, sir.

Q. Check stub book. Now, this group of checks, 6 through 34, that Mr. Riddle gave you as the checks of 1964, the last two, 33 and 34, are really 1964, aren't they, Mrs. Stiefelman? A. Yes, they are. I didn't notice that.

Q. And those in '65, the checks were signed by Mr. Callanan, and in '64 by Mr. Lawler? A. Yes, sir.

Q. Now, you looked at the checks for 1964, and you said that you wrote all of them, except Exhibits 30 and 32; is that correct? A. Yes, sir.

Q. And all of them, except 30 and 32, are typewritten, isn't that right? A. Yes, sir.

Q. And the reason you knew that you did not write 30 and 32 is because they are in somebody's handwriting? A. Yes, sir.

Q. And 30 is a check for \$10,000 to—what is that? [250] A. Business & Professional Volunteers for Johnson and Humphrey and Kennedy.

Q. For Volunteers for Johnson, Humphrey and Kennedy? A. Yes, sir.

Q. And this is Exhibit 32, and that's \$25,000 for the Friends of L. B. J.; is that correct? A. Yes, sir.

Q. So as far as the 1965 checks are concerned, they are here—Now, let me ask you this. These are not all the checks, are they? A. No, sir.

Q. These are just some that they have selected that are political contributions? A. Yes, sir.

Q. Now, many of the other checks, like payment of the bills, did somebody tell you when to pay the bills, or did you just write the checks for the bills? A. In '63 and '64, I just went ahead and paid the bills.

Q. And it was only in the event of the political contributions or charitable contributions—there were a lot of charitable contributions too, weren't there? A. Yes, sir.

Q. And in big sums? A. Yes, sir.

[251] Q. It was only in those special type of expenditures that someone told you what to do about that? A. Yes, sir.

Q. You wouldn't have known what to do about that without someone telling you what to do, would you? A. No, sir.

Q. On these checks for 1965, you don't know who wrote them? They are all typewritten? A. Yes, sir.

Q. And I notice on all these you use a check protector in putting in the amount? A. Yes, sir.

Q. And that's also true of these two that are handwritten, the check protector is in there; is that right? A. Yes, sir.

Q. Now, I notice there are also perhaps the amounts typed in on one of them, is it? A. Both of them.

Q. Did you type that amount in? A. I couldn't be sure whether I did or not. I mean I don't remember if I did.

Q. I see. Now, during the year 19 and 64, Mr. Lawler was the director of the Fund; is that right? A. Yes, sir.

[252] Q. And during the year 1965, Mr. Callanan was the director of the Fund? A. Yes, sir.

Mr. Randall: That's all, Your Honor.

Mr. London: No questions.

Mr. Daly: No questions.

Mr. Nangle: One minute. Could we have one second? No questions, Your Honor.

Mr. Riddle: Nothing further of this witness.

The Court: Step down. You may be excused. I take it you are through with this witness!

Mr. Riddle: Yes.

The Court: You may be excused, ma'am.

(Witness excused.)

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**EDWARD BECK,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Would you state your full name for the jury and Court, please? A. Edward Beck.

Q. And where do you live, sir? A. Pardon?

[253] Q. Where do you live? A. 22 Beaver Drive, Creve Coeur.

Q. How old are you? A. Thirty-three.

Q. Are you employed at the present time? A. Yes, sir.

Q. By whom? A. Kramer-Hicks Company.

The Court: Is that C or K?

The Witness: K.

Q. (By Mr. Riddle) What type work does Kramer-Hicks engage in? A. Pipefitting.

Q. And what project or construction job are you working on now? A. Gateway Ammunition.

Q. How long have you been employed by Kramer-Hicks? A. Approximately two months.

Q. Sir, are you a pipefitter? A. Yes, sir.

Q. Are you a member of Local 562? A. Yes, sir.

Q. How long have you been a member of Local 562? A. About eight and a half years, sir.

[254] Q. Sir, before working for Kramer-Hicks, where did you work? A. 1242 Pierce.

Q. For Local 562 there? A. The Voluntary Fund, yes, sir.

Q. And how long did you work there at Pierce? A. I believe it was approximately three years and eight months.

Q. Now, do you remember the date of your employment? A. I started in the first week of December of '64, I believe, sir.

Q. First week of December? A. I believe so; yes, sir.

Q. 1964? A. Yes, sir.

Q. Who employed you? A. The Welfare.

Q. The Welfare Fund employed you? A. Yes, sir.

Q. What person in the Welfare Fund employed you? A. Mr. Ed Henry.

Q. Mr. Ed Henry? A. Yes, sir.

Q. When you first began working there in the Welfare Fund with Mr. Ed Henry, what were your duties?

[255] A. Various types of things that he set forth and had me do. I was more or less his assistant; keeping the records and going over fringe benefits.

Q. What records were you keeping of the Welfare Fund? A. Well, at that time we was tabulating them all by hand. That was before this new machinery, and that's more or less what I was doing, is tabulating the fringe benefits coming into the Local from the contractors.

Q. All right. Who else was in that office with you working? Mr. Henry? A. Mr. Henry; yes, sir, and—

Q. Pat Stieferman? A. Yes, and Cora Schulz. I believe Pat Stieferman at that time was employed by the Voluntary Fund.

Q. All right. How long did you work there in the Welfare Fund? A. I don't believe it was quite three years, sir. I think it was two and three-quarters years, I would approximate.

Q. So you went there to work in 1964, in December? A. Yes, sir.

Q. And you worked there for about two years? A. Two and a half; between two and a half and three, I guess, sir. I couldn't really—

[256] Q. That would put you up until about the middle of 1964? A. The middle of 1964? I don't understand, sir.

Q. I understand you went to work for the Welfare Fund in December of '64? A. Yes, sir.

Q. You worked for about two and a half years there? A. Yes, sir.

Q. That would put you up to about 1966. Pardon me. A. Yes, sir.

Q. All right. Then where did you go to work? A. In the Voluntary Fund, sir.

Q. All right. Who transferred you down to that job, or up to that job? A. Mr. Callanan.

Q. Mr. Callanan transferred you on it? A. Yes, sir.

Q. Do you remember what month this transfer was made? A. No, sir. I had been handling some of the records prior to that, and I don't remember just what date it was that I took over full time in the Voluntary Fund.

Q. But in about mid-1966, you were primarily assigned to work in the Welfare Fund? A. Yes, sir.

Q. But prior to that time, you were doing some work in [257] the Voluntary Fund? A. Yes, sir.

Q. Then you were transferred to the Voluntary Fund altogether? A. Yes, sir.

Q. Now then, when you moved down to the Voluntary Fund, can you tell the Court and jury just what your duties were, and what you did? A. The collection of money was the main portion of my job, keeping the records.

Q. Collection of money and keeping the records? A. Check disbursements.

Q. Writing checks? A. Yes, sir.

Q. All right. Now then, directing your attention to the part of your duties that had to do with the collection of money, what type of collection did you make? A. The ones that were brought into the office, sir.

Q. Who brought the collections into the office? A. Various people from the individual jobs.

Q. The stewards or foremen? A. Yes, sir, some of them were, and some of them weren't. It all depended on who was collecting the money. I don't really know what they were. I wasn't on the job. I don't know what [258] their capacity was.

Q. All right. But whoever was the collector would bring the money in to you? A. Yes, sir.

Q. Come into your office, and what would he give you? A. He would give me the Voluntary sheets and the collections.

Q. He'd give you these Voluntary sheets and— A. The collections.

Q. And the collections. Would that be in cash? A. Mostly, sir; yes, sir.

Q. All right. Now, these Voluntary collection sheets, do you know whether or not they contained the names of the workers and the number of hours worked and the amount that that one was paying? A. Normally, sir; yes, sir.

Q. All right. After this was given to you, what did you do with it? I am talking about the sheet and the contribution. A. I checked the collections against the sheets, and then I would deposit the money, and put the sheets, you know, in my records.

Q. Now then, when did you first start collecting money? You said that you did some work over with the Voluntary Fund while you were still working for the Welfare Fund? [259] A. I couldn't tell you the exact date. I believe, if my memory serves me right, Mrs. Stieferman went to a school to learn how to run this machinery, and at that time I more or less took over the duties that she had been performing.

Q. Sir, maybe I didn't make my question clear, but was there a time that you were working for the Welfare Fund that you—on the side, did some collection of the money? A. Yes, sir.

Q. And how long a period was that? A. Like I say, sir, I can't remember. I'd have to check the dates somewhere. I don't know exactly when it was.

Q. Well, without— A. I would say it is some time in—the best I can think, it was in the—oh, I'd say around February of '65, I think it was, but I couldn't be sure at all.

Q. All right. A. Approximately.

Q. Well, that is your best recollection. Was it that time that you began collecting the money? A. Yes, sir.

Q. Making collections? A. Yes, sir.

Q. And you did that throughout '65, and until the time in '66 that you were assigned back to the Voluntary Fund [260] altogether? A. Yes, sir, I imagine that's right.

Q. All right. Now, when you received the money, did you total it yourself? A. Yes, sir.

Q. Did you have any assistance? A. No, sir.

Q. Well, now during the time that you were working for both Funds, how would you know to go from one office to another office to make a collection? A. Well, sir, in the Welfare, that all came in by check, and there was nothing—I mean from the contractors I had nothing with them collections. And for quite a period of time I'd stay until about 9:00 o'clock in the evening, and come in on Saturdays on the Voluntary side of the question.

Q. Did you use either office that was convenient for you to make your collections during that period? A. Well, no, sir. I moved, the Voluntary Fund moved downstairs after a period of time, but which time that was, I'm not sure.

Q. What I am talking about is the period of time from December of, I believe you said— A. The Voluntary Fund and the Welfare Fund were quite separate. I mean there was—there was no sameness at all.

[261] Q. My question, sir, is this: On occasions did you collect money for the Voluntary Fund while you were in the Welfare Fund office? A. Yes, sir, I believe so; sometimes, yes, sir.

Q. Would this be one time out of four or five, or half the time? A. Well, normally we had the bulk of the business after 4:30.

Q. The bulk of the collection business after 4:30? A. Yes, sir.

Q. At what hours would you collect money for the Voluntary Fund when you were still in the Welfare Fund office? A. There was no specific hours.

Q. Sir? A. It was no specific hours. If somebody came in, and it was my job to collect it, and I went over and took care of them, but we tried to keep most of our business for Voluntary after 4:30 until 9:00 o'clock or on Saturdays.

Q. If it came in after 4:30, you'd be in the Voluntary office? A. Yes, sir.

Q. If it came in through the day, you'd probably be in the Welfare office? A. Yes, sir.

[262] Q. And you'd tell the fellows to come in there and conduct your business in there? A. Well, no, sir. It happened so seldom we took them over to my office in the Voluntary. It wasn't an office. It was just a desk.

Q. The two were real close together? A. Yes, sir.

Q. You could just move from one to the other without any difficulty? A. Yes, sir.

Q. About how many feet apart were they? A. Well, they had, the one side was the Welfare, and the other side at that time was just classrooms, and my desk was in the classroom, and I'd say it was approximately across the hall and twenty feet down, or something like that.

Q. That would be twenty feet down, and how many feet across? A. Whatever the hall is. I'd say maybe ten feet, sir. I don't know.

Q. Ten feet? A. Uh hmm.

Q. Sir, on these cards that came in, were the list of the workers on it, and the amount they paid? A. Yes, sir.

[263] The Court: You mean cards or sheets?

Mr. Riddle: I mean sheets. Thank you, Your Honor. I am sorry.

Q. (By Mr. Riddle) The sheets that came in, did you have occasion to discuss them with the collectors that were coming in to pay you? A. More or less, just to check out the totals and see that they corresponded. That would be all I'd have to talk over with them.

Q. After the sheet was given to you, what did you do with it? A. I usually put it in my records and put it in the desk drawer.

Q. And the desk drawer was kept where? In the little office or— A. Yes, sir.

Q. All right. All of these sheets of the sort that we are talking about, like I'm showing you here that are marked Government's Exhibit 70, but all of those sheets that came in you put them in this file? A. Yes, sir.

Q. This file, was it in a filing cabinet, or in a desk? A. I can't remember at this time. There was a filing cabinet, but I believe I kept them in the desk, and then when [264] I had a group of them, then I put them in the filing cabinet, I believe, sir, but I can't remember. It's been quite a while ago.

Q. This filing cabinet and the desk, was this inside a separate room? A. Yes, sir. It was used as a classroom at one time.

Q. Used as a classroom? A. Yes, sir.

Q. As a classroom, did other people in the union have access to that room? I mean could they come in? A. They could come in, but there was no occasion, because it was just desks, school-type desks.

Q. During the period of time that these records were in there, could Mr. Seaton come in, if he wanted to? A. Yes, sir.

Q. Could Mr. Lawler come in if he wanted to? A. Yes, sir.

Q. Mr. Callanan could come in if he wanted to? A. Yes, sir.

Q. In fact, did they come in often? A. No, sir.

Q. Did they ever come in while you were there? A. To maybe pass the time of day, or something, but very seldom. Their offices were all downstairs, and they had no [265] occasion to come up. They were able to, but I don't recall, they might have stopped in, sir, but—

Q. You say "by able to", you mean they had a key, or was it unlocked? A. It was usually open. The desk was locked.

Q. What about the key to the desk? Where was it kept? A. I usually kept it, sir.

Q. All the time? A. Yes, sir.

Q. What about to the filing cabinet? A. That wasn't locked, sir.

Q. It was not locked? A. No. Like I say, sir, I can't remember now whether I kept the records in the desk or in the filing cabinet, because its been quite a while ago.

Q. I see. Sir, during the period of time that you were working there, to your knowledge, was an audit ever made of the books? A. No, sir, not to my knowledge.

Q. All right. During that period of time, to your knowledge, was a meeting ever had of the Board of Directors of any group with reference to this Voluntary Fund? A. I don't believe I understand the question, sir.

Q. Well, you know what a Board of Directors meeting is? [266] A. Yes, sir.

Q. Or a membership meeting, or a committee meeting. My question is: Was such a meeting as that had or held where the business of the Voluntary Fund was discussed? A. I don't believe—no, sir, I don't believe so.

Q. Who did you report to? A. To the director, Mr. Callanan.

Q. Is that the only person to whom you reported? A. Yes, sir. In reference to the Voluntary Fund. Is that what you mean, sir?

Q. Yes. In reference to the Welfare Fund, who did you report to? A. That was Mr. Henry.

Q. Mr. Henry? A. Yes, sir.

Q. Yes. What is his title or position with the union? A. He is the executive director of the Welfare, I believe it is.

Q. All right. Now then, as a collector of funds into this Political or Voluntary Fund, did you receive monies from any other source other than from workers? A. No, sir.

Q. Was all the money that you received, money for the Voluntary Fund? [267] A. Yes, sir.

Q. Are you acquainted with the fund that was normally referred to—

Mr. Daly: Your Honor, at this time we will object to any—I don't think it is relevant or material.

The Court: I don't know what he is talking about.

Mr. London: May we approach the bench?

(Thereupon, the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. Riddle: Your Honor, these gentlemen are accurately predicting that I am about to make some inquiries about the Callanan Fund that was collected the same way at the same time, and this is the question that came up yesterday in my opening statement.

I think that this is what they are doing, and we are proposing to ask him about the collections he made of that fund during this period of time.

I think it is very relevant, and I believe that the evidence and the trend of the testimony abundantly demonstrates the propriety of our exploring that as a course of conduct and as a pattern of action.

The Court: What is your objection?

Mr. Randall: Your Honor, our objection is that this is wholly immaterial and irrelevant. The Callanan Gift Fund [268] was collected at a separate time. It had absolutely nothing to do with political contributions. This is a conspiracy to make political contributions by the Local itself. There isn't a question none of that money went for polit-

ical contributions, had nothing to do with it, and it is wholly immaterial, and I think it is highly prejudicial, because it will show that a considerable amount of money was contributed by the members of the Local and given to Mr. Callanan. I don't see what it has to do with the lawsuit.

The Court: I will overrule the objection. It is used to show the mode of collection and the course of collecting it.

(Thereupon, the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Sir, are you familiar with the fund that I believe was called the Callanan Gift Fund? A. Yes, sir.

Mr. Daly: May the record show our continuing objection to all of this examination?

The Court: I have overruled the objection, so that I think you have preserved your record by making the objection to it, and I assume that your next series of questions will be directed to that.

Mr. Riddle: It will, Your Honor.

[269] The Court: So the objection will go to the questions pertaining to that, and the rulings will be the same.

Mr. Riddle: All right. As a collector during the time you testified to, did you have occasion to receive monies into the Callanan Gift Fund?

A. Yes, sir.

Q. Where did you receive them? A. By that time, sir, I believe I was downstairs in our own office in the same building, but we'd run two offices downstairs at this time.

Q. Well, can you explain that for us, the two offices downstairs? A. Well, they got all this new machinery upstairs, sir, and they had to make use of the room where

the existing classrooms were, and they made this all into the Welfare, the whole top floor.

Q. The whole second floor? A. Yes, So they had, in fact, the executive director's offices downstairs, and he moved upstairs, and then we took over his offices downstairs.

Q. You mean the Voluntary Fund moved from upstairs downstairs about that time? A. Yes, sir, I can't remember the date, sir, how it coincided, or anything.

[270] Q. Then it is your testimony that at the time you were collecting for the Callanan Gift Fund you were doing business downstairs instead of upstairs? A. Yes, sir.

Q. Now, how was the Callanan Gift money brought to you? A. In more or less the same manner that the Voluntary Fund had been brought to me.

Q. By the same people? A. Well, there were variations, I imagine. They changed constantly as jobs changed.

Q. Did you have this sheet or form of the type we were talking about that theretofore was called, "Pipefitters Voluntary Fund"? Did you have a sheet just like this? A. It was very similar to it, sir, but it wasn't exactly.

Q. The heading was different, was it not? A. I believe it was changed, but I can't be sure. The heading was different; yes, sir.

Q. All right. But the columns were the same? A. I believe that was changed. It seems to me it was changed. I'd have to check them though.

Q. But over on the right-hand corner there was figures? A. Yes, sir.

Q. Showing the amount paid by each member whose name appeared on each sheet? [271] A. Yes, sir.

Q. During the time that you were receiving the Callanan money, were any payments at that time received into the Voluntary Political Fund? A. Yes, sir. There was an overlap of when the Callanan Gift Fund was voted in by

the membership, and some people, of course, owed to the Voluntary Fund, and I tried to keep it as separate as I could. In other words, if they wanted to come in and pay for something they owed before the Gift Fund, but came in after it started, I tried to keep that money as well as I could, and I believe I did, separate, and then after the Gift Fund came in, or it was stopped, there was an overlap there also.

Q. Let me see if I understand you correctly there. Did you say there was a meeting of the members of the Union?

A. Yes, sir.

Q. And that meeting was about setting up the Callanan Gift Fund? A. Yes, sir.

Q. Did you attend that meeting? A. Yes, sir.

Q. Where was it held? A. I believe it was at the Electricians' Hall.

Q. About how many people were there? [272] A. A rough guess, six, seven hundred people; something like that.

Q. Was there any vote taken at that meeting to suspend the Voluntary Political Fund while the Callanan Fund was operating? A. Yes, sir, I believe this was done.

Q. So at this meeting then, if I understand your testimony correctly, it was voted to suspend the Voluntary Fund, Political Fund? A. Yes, sir.

Q. And institute in its place the Callanan Fund? A. I believe this is how it was; yes, sir.

Q. All right. And what about the rates or the assessments for the Callanan Fund as compared to the other Fund? A. I believe the motion was made to carry it on, the same as the Voluntary Fund.

Q. All right. So if the assessment was \$2.00 a day for out-of-towners, that would continue right on through the Callanan period? A. Yes, sir, I believe this was right.

Q. And if it was \$1.00 a day for the 562's, that would continue right on through? A. To the best of my memory, yes, sir, I believe it was.

Q. Now, then, if I understand your testimony correctly, [273]—at the time that you suspended—let me withdraw that.

A. At the time that you initiated the Callanan Fund, that there were some people who still owed for back payments on the Voluntary Fund, or Political Fund? A. Yes, sir. There was a date. Now, I can't remember what the date was, and I don't remember if it was the date the Callanan Fund was set up, but people would come in and say, "Well, I owe so much from such and such a date," and I said, "Well, a portion belongs to Voluntary Fund and a portion belongs to the Gift Fund," or whatever it might have entailed.

Q. You are saying that members would come in to you and say, "I owe back assessments for the Political Fund"? A. Well, usually they'd come in, they'd say, "I haven't paid since such and such a date," and it was up to me to find the cutoff point and try to keep them separate.

Q. Was it up to you to try to figure out how much they owed in arrears? A. Some people kept records of their own, sir, and most of them said, "I owe for so many days," and then I would figure it up for them, and some would say, "I owe so much money," or whatever it might be.

Q. Was it often that people asked you how much they owed you in arrears on that Political Fund, the Voluntary Fund? A. Not often. It was individuals that came in, and some [274] of them, well, it varied on what they wanted to pay, or what they thought they owed.

Q. Well, they knew how much it was. They knew whether it was \$1.00 a day or \$2.00 a day?

Mr. London: I will object to the form of the question, Your Honor.

The Court: It will be sustained.

Mr. Riddle: All right.

(Thereupon Government's Exhibit No. 71 was marked by the reporter for the purpose of identification.)

Q. Sir, I'll show you what's been marked Government's Exhibit 71, and ask you if that is the type of the collection sheet for the Callanan Gift Fund that was used? A. Yes, sir.

Q. This is the type of sheet that was handed in to you with the money? A. Yes, sir.

Q. Now, was the Callanan Gift money paid to you in cash or by check? A. Mostly cash, but checks also; yes, sir. It was made out to the Callanan Gift Fund by check.

Q. Now, sir, looking at Government's Exhibit 71, and at the date, can you tell us if the first name on the list, Don Gilmore, was a member of 265, or an out-of-towner?

[275] The Court: You mean 562?

Mr. Riddle: I mean 562. Excuse me.

A. Yes.

Q. And which one was he? A. He is a 562 man.

Q. All right. I show you the name appearing beside No. 11, Ed Burns. Can you tell by looking at this Government's Exhibit No. 71, and tell the Court and jury whether or not he was a member of Local 562, or an out-of-towner?

Mr. Daly: I will object to that. I think it calls for a conclusion on the part of the witness.

The Court: It will be overruled.

The Witness: Normally he would be an out-of-towner, but sometimes, like on there being, see, there is not any hours, and to know for sure, I would say he's probably an out-of-towner.

Q. And what do you base that conclusion on, sir? A. Because of the rate of pay that's paid.

Q. And his rate of pay, according to this sheet, is—  
A. Ten dollars.

Q. And the other rate of pay is what? A. Fifty cents a day, \$2.50.

Q. Well, during the period of the Callanan Gift Fund, what was the rate of pay for out-of-towners? A. Two dollars a day.

[276] Q. Two dollars a day? A. Yes, sir.

Q. What was the rate of pay during the Callanan Gift Fund period for 562 members? A. Fifty cents a day.

Q. Fifty cents a day. Now, sir, when you received the—I am still talking about the period of time that the Callanan collections are coming in; that fund—what did you do with that cash? A. I made up the deposits, and I gave the sheets and money to Mr. Ed Steska.

Q. You gave the sheets and the money both to Mr. Ed Steska? A. Yes, sir.

Q. You testified that you had been filing heretofore the Pipefitters Voluntary Fund sheets in your office? A. Well, Mr. Steska was the committee of the Callanan Gift Fund, and he was in charge of the whole operation.

Q. Do you know at that meeting Mr. Steska was appointed? A. I believe the same meeting that the motion was made to make the Callanan Gift Fund.

Q. The same meeting that the Voluntary Political Fund was cut off and the Callanan Fund was instituted? A. I believe that's right; yes, sir.

[277] Q. Do you know who presided at that meeting? A. I don't remember; no, sir.

Q. All right. Sir, how long did the Callanan Gift Fund stay in effect or supersede the Voluntary Political Fund? A. I'd have to check the records. I think it was about

two and a half months, or something like that. I'd have to check the records.

Q. Do you know at what time the Callanan Gift Fund was to be cut off? A. I believe it was at the—no, sir, I couldn't tell how that was approached.

Q. Was the cutoff date tied to a time or date, or to an amount of money? A. I believe that was left up to the committee of Mr. Steska. I'm not sure though.

Q. Sir, did you receive any instructions from anyone as to when you should cut off the Callanan collections and reinstitute the other collections? A. I believe that was another meeting, sir.

Q. All right. Where was that meeting held? A. I imagine at the Electricians' or Teamsters, but I think it was Electricians' hall.

Q. Did you attend that meeting? A. Yes, sir.

[278] Q. And do you recall what was decided at that meeting? A. Verbatim, I can't remember, sir.

Q. Well, just in essence or substance, what was it? A. It was decided to end the Callanan Gift Fund.

Q. All right. Who made that recommendation? A. I imagine it was Mr. Steska.

Q. All right. Were there any motions made or— A. I couldn't remember, sir.

Q. Do you recall if it was decided at that meeting to reinstitute the old political, or Voluntary Political Fund? A. No, sir, I can't remember if it was done at that time.

Q. But it was reinstituted right after that? A. Yes, sir.

Q. All right. Well, sir, was there any hiatus, or delay, or period of time when no collections were coming in for either the Callanan or the Voluntary Political Fund? A. No, sir, because, like I said, there was an overlap, but whether there was a period of time—many people came in with the Callanan Gift Fund the same as, after it ended

the same as they came in with the Voluntary Fund before it started. There was an overlap there, but I don't believe there was any breach of time.

Q. Sir, do you know if the amount of money you were [279] receiving through that period remained constant? Or about constant? A. Yes, sir.

Q. That is before the Callanan Fund began, and then after it quit? The amount of collections remained about the same? A. I'd have to check the records, but I would say it was approximately the same.

Q. Sir, did you have any responsibility for distributing a card that was styled a Gift Fund? A. Yes, sir.

Q. All right. What did you do with respect to the distribution of those cards? A. I distributed them to various people that came in. If they had mailed them in, mailed them, mailed the check in, I'd take their address and mail them a Gift Fund card if they wanted to mail it back signed.

Q. Sir, were you given a great big stack of these Gift Fund cards? A. There was a package, sir.

Q. Who gave that package to you? A. I imagine it was delivered to the office. I mean it was delivered to the office, but I don't believe anybody actually gave it to me. If it was, it was Mr. Steska.

Q. Well, delivered,—when you say to the office, now [280] which one of the offices are you talking about? A. The Volunteer office.

Q. And was it in a large package? A. No. I think they come—yes, sir, I think there's four small packages in a package about, approximately twelve inches long, I guess.

Q. And you say, is it your testimony that you don't remember for sure who it was, but you believe it was Mr. Steska that brought them to you? A. I say I think they probably were delivered right to my office, but if anyone gave them to me, it would have had to be Mr. Steska.

Q. Who told you what to do with the cards after they were received, if anyone? A. Well, I took it for granted they were going to be signed; to distribute them like I did. Any business that was transacted with the Gift Fund was with Mr. Steska, but I can't remember just how it was transacted.

Q. At this time, Mr. Steska, was he president of the Union? A. Yes, sir.

Q. All right. Now, sir, these Gift Fund cards,—I'll ask the reporter to mark this Government's Exhibit 72.

(Thereupon, Government's Exhibit No. 72 was marked by [281] the reporter for the purpose of identification.)

Q. I am handing you what's been marked Government's Exhibit 72, and ask you to examine that and see if that is an accurate copy of the cards that you just testified about? A. Yes, sir.

Q. And which you distributed? A. Yes, sir.

Q. All right. Now, sir, in distributing these Gift Fund cards, did you mail any of them? A. Yes, sir.

Q. Where did you mail them? A. To the address of people that were mailing checks in regularly and never coming into the office.

Q. How many people mailed checks in regularly that didn't come into the office? Give us the approximate number. A. I'd say approximately seventy-five a week; in that neighborhood.

Q. About seventy-five a week sent in regular checks? A. Yes, sir, at various times. Not the same seventy-five every week, but I imagine I collected about seventy-five checks a week.

Q. All right. So that those seventy-five you mailed a Gift Fund card? A. Yes, sir.

[282] Q. All right. Did you write them a letter? A. I believe there was a form letter I put in with the card; yes,

sir. I can't remember the form letter. Mr. Steska gave it to me. I believe it was what was adopted at the meeting of the membership.

Q. You say the form letter was given to you by Mr. Steska? A. Yes, sir.

Q. Who was it signed by? A. Mr. Steska.

Q. All right. Now, that accounts for seventy-five of them. How did you distribute the others? A. Various people that collected on the jobs, I gave it to them. Some people they had on the job. Or if somebody was starting a job, I gave them cards to give to people that would then come on the job.

Q. Did you hand-deliver these? That is, to the foremen or stewards? A. Mostly; yes, sir.

Q. Did you hand-deliver it to them in your office, or out on the job? A. In my office.

Q. When you hand-delivered them, did you tell them anything, or give them any instructions [283] A. No, sir. It was pretty self-explanatory after the meeting and everything. They all knew what should be done with them.

Q. Sir, let me ask you this question: Did you specifically tell them—and you can tell the jury whether you did or not—to have the membership sign them and return them to you? A. Well, yes, sir, but they had been with these cards for many times, for many years, and they knew—

Q. This should be done? A. —this should be done by anyone who wanted to sign them.

Q. When the cards were signed, were they returned to you? A. Yes, sir.

Q. After they were signed and returned to you, what did you do with them? A. I put them in the filing cabinet, and then I gave them to Mr. Steska.

Q. Sir, do you know how much money was collected into the Callanan Gift Fund? A. No, sir, I don't.

Q. Was the amount collected ever audited, to your knowledge? [284] A. Not to my knowledge, sir, but, again, I say that was Mr. Steska. I handed him the deposits and the sheets, and he kept records of how much was there, and I really had no idea how much was in the fund.

Q. Do you know, as a matter of fact, whether or not the proceeds of this Gift Fund project were handed over to Mr. Callanan? A. I imagine they were, sir, but I don't have any idea when, or anything. That was all Mr. Steska.

Q. Sir, was it your understanding that that was the purpose for the Fund, to give the proceeds to Mr. Callanan? A. In a general way, yes, sir, it was—

Q. All right. I just have one additional question, Your Honor.

(To the reporter) Would you mark this?

(Thereupon Government's Exhibit No. 73 was marked by the reporter for the purpose of identification.)

Q. Sir, I show you what's been marked Government's Exhibit No. 73, and ask you if you can identify that? A. Yes, sir.

Q. And what is it? A. It is a Voluntary Contribution card.

Q. Now, these Voluntary Contribution cards, where were they kept? That is, in the Fund office? [285] A. I had them on a stack in the corner of the room.

Q. A stack in the corner of the room? A. Yes, sir.

Q. Where did you keep the Gift Fund cards when they came in? A. I had them also in another stack. They were just—

Q. Just right out on the floor? A. Against the wall; yes, sir.

Q. Against the wall? A. Yes.

Q. Were they in alphabetical order? A. Oh; I am sorry, sir. I misunderstood you. I thought you meant when they came in from the printer?

Q. When they came back after they were signed by the members? A. No, sir, they weren't in alphabetical order.

Q. But those were the ones that you stacked? A. These I put in a file, and when I got a group of them I gave them to Mr. Steska when they came off the jobs, but to my knowledge, I didn't put them in alphabetical order.

Q. Just in order that the Court and jury is clear on this, let me ask you about the Gift Fund cards. Did you give them all to Mr. Steska? A. The signed ones; yes, sir.

[286] Q. What about the Voluntary Contribution Agreements having to do with the Voluntary Political cards? What did you do with those cards? A. The signed ones, sir?

Q. Yes. A. I had them in my filing cabinet.

Q. All right. Sir, are you related to Mr. Callanan? A. Yes, sir.

Q. What is your relationship? A. He is my father-in-law.

Q. You are married to his daughter? A. Yes, sir.

Q. Thank you. Just a second. I do just have one additional question.

During the period of time that you were working for the Callanan Gift Fund there that two and a half months, or so, who paid you? A. The Welfare Fund, sir.

Q. The Welfare Fund? A. Yes, sir.

Q. That's the Welfare Fund of the Union? A. Yes, sir.

Q. Who paid you as soon as the Callanan Fund was over with? [287] A. I was still on the Welfare payroll, sir. I don't remember the dates of when I transferred

over to the Voluntary Fund. I collected the Callanan Gift Fund on the same basis as I collected the Voluntary Fund, at night and on Saturdays.

Q. While you were still on the payroll of the Welfare Fund? A. Of the Welfare; yes, sir.

Mr. Riddle: Thank you, sir.

[288]

**Cross-Examination**

By Mr. Randall:

Q. Mr. Beck, did you attend the meeting that was held of the membership of the Voluntary, Political, Charitable, etc., Fund that were held on Sunday at the Electricians' hall? Did you attend some of those meetings where the members all came in, and the candidates appeared, and the recommendations discussed, and that sort of thing? A. Yes, sir.

Q. And you attended the meetings that were held of the membership of the Voluntary Fund when they terminated it, and later opened up the other fund for Mr. Callanan that short period of time? A. Yes, sir.

Q. And did you attend the meeting of the members of the Voluntary Fund two or three months ago at which they voted 743 yeases and 5 noes to continue the Voluntary Fund? A. Definitely, sir.

Q. It was a seeret ballot of yes and noes? A. Yes, sir.

Q. Now, and the members of the Voluntary Fund are the people who make contributions to it; isn't that correct? A. Yes, sir.

Q. Now, this card, Voluntary Contribution card, is in [289] effect a pledge to pay a certain amount of money into the fund?

Mr. Riddle: I will object to that as calling for a conclusion. That would be a legal conclusion.

The Court: It is an interpretation of the interrogator. I will sustain the objection.

Mr. Randall: Well, Mr. Beck, this card says, does it not, that they agree to contribute a certain amount of money? Doesn't it?

A. Yes, sir.

Q. Then it says that the contributions are voluntary, and that "I may revoke this agreement by written notice to that effect at any time"; isn't that correct? A. Yes, sir.

Q. And after the Voluntary Fund, the contributions had been terminated into it, the Fund continued to exist so far as expenditures were concerned, didn't it, sir? A. Yes, sir.

Q. And some of the people came in and said, "I am not fully paid up according to my agreement" and they continued to make payments? A. Yes, sir.

Q. And, of course, there were some people at work that didn't sign these agreements to make contributions; isn't that [290] correct? Or wouldn't you know? A. I wouldn't have any idea, sir.

Q. I see. Now, Mr. Beck, do you know the rate of pay, not counting the money, ninety-two dollars and fifty-seven and a half cents that goes to the Welfare Fund, what is the rate of pay of a pipefitter at the present time? Do you know? A. I believe it is five sixty-two and a half.

Q. Five dollars sixty-two and a half an hour? A. Yes, sir.

Q. And there's two dollars seventeen and a half cents that goes to their Welfare Fund? A. Yes, sir.

The Court: What was it? Five dollars what?

The Witness: Five sixty-two and a half, but I'm not sure of that, sir. It's just been changed in June or July.

The Court: Have you concluded?

Mr. Randall: Yes, I have, Your Honor.

The Court: All right. Any more redirect?

Let the record show there was no requests for a Jenks statement.

Mr. Riddle: I believe the Government has no further questions of this witness.

The Court: Step down. You are excused.

(Witness excused.)

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[291]

**JOHN J. BUCKLEY,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. State your full name, please, to the Court and jury.

A. John J. Buckley.

Q. And by whom are you employed? A. I am a special agent with the Federal Bureau of Investigation.

Q. Are you assigned to the St. Louis office? A. Yes, sir.

Q. How long have you been here in the St. Louis office?

A. I have been here since September, 1948.

Q. Sir, as a part of your formal training, did you specialize in any particular field? A. Yes, sir.

Q. What field, sir? A. I specialize in the accounting field.

Q. What education or training have you had in the accounting field? A. I have a degree in 1947 from the Bentley School of Accounting & Finance, in Boston, Massachusetts. In addition to that, I have taken advanced accounting courses from time to time in Washington with the F. B. I.

[292] Q. Sir, have you had occasion to practice your accounting training and profession since you have been with the F. B. I.? A. Yes, sir.

Q. Sir, have you had an occasion to examine certain records that were delivered to you by the United States Attorney's office? A. I did, sir.

Q. And what records did you examine, at our request? A. I examined the records of the Pipefitters Voluntary Fund, Pipefitters Local 562, and an account known as the Callanan Gift Fund.

Q. All right. Sir, with respect to the records that you examined, I just merely call your attention to the Government's Exhibits 1 through 5, and the checks, I believe, which would be 6 through 59, and ask you if those records have been examined by you, among others? A. Yes, sir.

Q. Sir, based upon your examination of these records, have you made certain calculations and conclusions with respect to receipts and disbursements for the years 19 and 63, '64, '65 and '66, from the Voluntary Political Fund? A. Yes, sir, I have.

Q. All right. Sir, directing your attention to the year [293] 1963, can you tell the Court and jury the amount of receipts into the Voluntary Political Fund for that calendar year? A. Yes, sir. For 1963, the total receipts were \$286,029, rounded off to the nearest dollar.

Q. I see. What about for the year 19 and 64? A. In 1964, the total receipts were \$289,783.

Q. Sir, with respect to '65? A. In 1965, the total receipts were \$415,963.

Q. And for the year '66? A. 1966, the total receipts were \$239,211.

Q. All right, sir, and did you total the receipts for those four years? A. I did, sir.

Q. What is that total? A. The receipts for the four years totaled \$1,230,986.

Q. Sir, I will show you what has heretofore been marked as Government's Exhibit No. 60, and ask you to examine it, if you would, please? A. Yes, sir.

Q. Sir, upon examination of this, I will ask you if it fairly and accurately reflects your testimony, based upon your conclusions and calculations from the records you have just referred to? A. It does, sir.

[294] Mr. Riddle: Your Honor, the Government asks that its Exhibit No. 60 be received into evidence.

Mr. Daly: No objection.

The Court: All right. It will be received.

(Whereupon Government's Exhibit No. 60 was received in evidence.)

Q. Sir, with respect to the examination, did you examine the records, checks and other data and material, to determine the amount of contributions or expenditures to candidates for federal office? That is, President, Vice President, Senator or members of Congress? A. Yes, sir, I did. On behalf of those candidates that you mentioned. Yes, sir, expenditures on behalf of them.

Q. Sir, for the year 1963, was any such contributions for such candidates made? A. No, sir.

Q. For the year 1964, were contributions or expenditures for such candidates made? A. Yes, sir.

Q. How much? A. A total of \$97,347.

Q. All right. And for the year 1965 were contributions made for such persons and to such purposes? A. Yes, sir.

[295] Q. How much? A. \$8,919.

Q. And for the year 1966, how much, and for such purposes? A. \$45,146.

Q. Did you make a total of those contributions for federal political purposes? A. Yes, sir, I did.

Q. And what is that total? A. The total is \$151,412.

Q. I hand you, sir, what has been marked Government's Exhibit No. 61, and ask you to examine it and tell the Court whether or not it fairly and accurately represents the results of your conclusions and computations? A. Yes, sir, it does.

Mr. Riddle: Your Honor, the Government offers into evidence its Exhibit No. 61, and asks that it be received.

Mr. Daly: No objection.

The Court: All right. It will be received.

(Whereupon Government's Exhibit No. 61 was received in evidence.)

Q. (By Mr. Riddle) Now, sir, in connection with your examination and work, did you examine certain records dealing with the Callanan Gift Fund? [296] A. I did, sir.

Q. And did you make any conclusions or decisions as to the total amount received into that Fund?

Mr. Daly: At this time, Your Honor, we'd like to renew our objection to this interrogation.

The Court: It will be overruled.

The Witness: I did, sir.

Q. (By Mr. Riddle) How much was received into that Fund? A. I have the figures—I believe you have them there.

Q. Do you want to come down and get them?

(The witness stepped down from the witness stand to hand papers to Mr. Riddle.)

Q. (By Mr. Riddle) I'll hand you your work sheets that you have just identified. Can you, by examining those, tell the Court and jury what the total amount received in the Callanan Gift Fund was? A. The Callanan Gift Fund total receipts from June through December, 1966, were \$144,447.20.

Q. Now, sir, did you determine the period of time that receipts came into the Fund? A. Yes, sir.

Q. Callanan Gift Fund? A. By the bank account; yes, sir.

[297] Q. All right. And for the month of June, how much was received? That is, June of 1966? A. \$25,974.88.

Q. And July of 1966? A. \$36,603.50.

Q. And August? A. \$28,414.90.

Q. And September? A. \$35,695.45.

Q. And October? A. \$16,124.47.

Q. And for November? A. None.

Q. And for December? A. \$1634.

Mr. Riddle: The Government has nothing further of this witness, Your Honor.

Mr. Randall: Your Honor, I wonder if they have a statement of the grand jury testimony of this witness.

Mr. Riddle: We don't have it here with us. We can get it.

The Court: Well, do you have any idea about how many pages it is?

Mr. Riddle: Twenty or so pages, Your Honor.

[298] The Court: Well, why don't we adjourn then for lunch, and we will give them fifteen minutes for that, and an hour for lunch, so get back at a quarter to 2:00.

Members of the Jury, remember the admonition that the Court has—and alternates—remember the admonition the Court has given you heretofore.

(Thereupon at 12:27 p. m., court was in recess for lunch until 1:45 p. m.)

Wednesday, September 4, 1968.

Afternoon Session.

**JOHN J. BUCKLEY,**

having previously been sworn, resumed the witness stand, and the further following proceedings were had before the jury:

The Court: Are you going to conduct this cross-examination?

Mr. Randall: Yes, Your Honor. May I proceed?

The Court: Yes.

**Cross-Examination.**

By Mr. Randall:

Q. Mr. Buckley, on direct examination you testified that you examined the records of Local 562, the Voluntary Fund and the Callanan Gift Fund; is that correct? A. Yes, sir.

[299] Q. Did you have those records in your possession, sir? A. No, sir. They were in the possession of the United States grand jury.

Q. Well, they were here in this building? A. Yes, sir.

Q. In the possession of the Government? A. Yes, sir.

Q. Do you remember what period of time did you have those records, sir? A. I believe the records began to come in on about October 19, 1967.

Q. And you kept them until August 9th of this year; is that correct? A. I believe so; about that time.

Q. And they were delivered by the various officers of those organizations pursuant to a grand jury subpoena? A. Yes, sir.

Q. Now, did you have the collection sheets, these various—we have had one in evidence—the collection sheets for the Voluntary Fund? Did you have those? A. Yes, sir.

Q. And did you have the checkoff lists of the Union itself? A. Yes, sir.

[300] Q. You had many, many records? A. Yes, sir.

Q. They were returned to the officers of the organization August 9th of this year; is that correct? A. Yes, sir.

Q. And you photostated and kept copies of a lot of those? A. We did, sir; yes, sir.

Q. About 45,000 of them? A. I think that's about right; yes, sir.

Q. And some of these records that have been presented are some of those 45,000 that you collected? A. That's correct, sir.

Q. Now, during this period of time of approximately a year that you had the records, did you audit the books of the Voluntary Fund? A. No, sir, I did not.

Q. Now, did you undertake, during that period of time, to determine whether or not all of the members of Local 562 and the non-members who worked under their jurisdiction was making contributions to the Voluntary Fund? A. We attempted to determine that Mr. Randall, but we were not able to.

Q. You were unable to? [301] A. Yes, sir.

Q. There was no way from these records, no practical way, that you could determine who was paying and who wasn't paying? Or whether all of them were paying? A. Whether all of them were paying. There was no practical way you could determine it.

Q. And if there were some missing, there was no practical way of taking the records of the Local, the Voluntary Fund, the Welfare Fund, and determining who was not paying, was there? A. No, sir, we did not find one.

Q. It was just the state of the records didn't permit that? A. That's correct.

Q. And, sir, would you explain to us why the state of the records did not permit this determination? A. Well, the Voluntary Fund records were kept on a daily or weekly basis, a separate sheet per each job, which listed the contributors to the Fund, and once this record had been totaled and posted, and the entries made in the cash receipts book, there was no auxiliary record maintained for each individual member, so that in order to determine what a member had given over a period of four years, it would be necessary for you to practically review every contribution sheet.

[302] Q. During the whole four years? A. That's correct, sir.

Q. And that is due to the fact that sometimes the check-offs for one year fell over into another year, and the same thing— A. No. That is due to the fact that there was no record kept for any single member where you could go to his card and say John Jones gave so much over the years.

Q. Well, sir, why was it impossible to take the contributions sheets, say, for a particular week, and the checkoff sheets that the employers used in order to make the assessments and dues, why was it impossible to correlate those together? A. Well, then you get to the problem you mentioned, Mr. Randall, that sometimes the checkoff sheets cover one employer who will have three or four jobs going, and all of his employees will be listed on that sheet, but the Voluntary Fund contribution sheets will, maybe, encompass a half dozen sheets from different jobs.

Q. In other words, to sum it up, the contribution sheets were in no way correlated with the checkoff sheets— A. That is true; yes, sir.

Q. —which showed their working days. Now, Mr. Buckley, you have a couple charts over here. I might start

first with Government's Exhibit No. 60, which shows the, as I understand [303] it, the money that was collected or contributed to the Voluntary Fund during a four-year period; is that correct? A. Yes, sir.

Q. And where did you get those figures? A. I got those figures from the yearly summary sheets in the cash receipts journal.)

Q. You got them from these exhibits here that were in the early years—I believe these are Exhibits 1, 2, 3 and 31?

A. That's correct, sir.

Q. And the early years were kept by Pat Stiefelman, who testified this morning; is that correct? A. Yes, sir.

Q. And you made no attempt, as I understand it, to start with those figures and trace the money, cash, or checks, or whatever it was, to determine that all of it was disbursed according to those records? A. I made no attempt to determine that this money was disbursed, that all of it was disbursed or accounted for. Is that what—

Q. Accounted for? A. Yes. I made an attempt to do this, but I was unable to do so.

Q. Why were you unable to trace those receipts, starting with these receipts ledgers, to the disposition of the money? [304] A. Because for a period of time a portion of the receipts were deposited in cash in a safe deposit account of some type, and this is not a figure that is susceptible to verification.

Q. Mr. Buckley, they were entered in these books though? A. Yes, sir.

Q. Now, I am not asking you about attempting to count the money, but did you make an attempt to start with these books, which had the entries of both cash and checks, and trace it all out to see if it was properly accounted for? A. Yes, sir.

Q. And it was, wasn't it? A. Yes, sir. I found no evidence that it was not.

Q. You found no evidence that any of the money had disappeared? A. Well, as I say, I am not able to make a statement with respect to the money that was in the safe deposit vault at any time.

Q. Well, starting with the cash that you report over there on your exhibit, you were able to make a statement that, assuming that that was the receipts, that it was properly accounted for? A. That's right.

Q. Now, I might take your other exhibit. Now this [305] exhibit, Government's Exhibit 61 is the checks that you testified on direct out of this total of \$1,230,986, \$151,412 was contributed or expended in federal elections; is that right? A. On behalf of federal candidates; yes, Mr. Randall; yes.

Q. And, as a matter of fact, those figures are the total of these checks that were introduced into evidence, being Government's Exhibits 6 through 59; isn't that true, sir? A. With two exceptions, Mr. Randall. There is an item in the totals, in 1964, of \$397.38, and may I read the rest in? It is a check to the Handy Liquor Store, and I did not make a copy of that check.

Q. Well, you mean you put in three hundred-some dollars that was a check to the Handy Liquor Store, and you include that as a part of the contributions? A. Yes, sir.

Q. But you saw the checks? A. I saw the check, and I saw the entry in the ledger, which led me to conclude that there was a federal political contribution.

Q. But you did not make a copy of that? A. Inadvertently, I didn't make a copy of the check.

Q. You just failed to? A. Yes. And there is one other item. It is a cash contribution on June 8, 1965, of \$800. The notation is [306] "Inaugural Ball".

Q. Was there a check for that? A. No. That was a cash entry, and that is in the total.

Q. I see. And you found this \$8,000 expended in cash for the inaugural ball? A. Eight hundred.

Q. Eight hundred. I am sorry. Eight hundred? A. Yes, sir.

Q. And you found that in the books? A. Yes, sir.

Q. And what was the date of that expenditure? A. I believe it was June 8, 1965.

Q. And that was, you concluded that that related to the inauguration of President Johnson; is that it? A. Yes, sir.

Q. And what caused you to conclude that the \$300 item for liquor related to politics? A. Because the entry in the cash disbursement journal says, "Handy Liquor Store, Symington Testimonial Dinner."

Q. I see. In other words, you concluded that that was an expenditure for liquor used at a testimonial dinner for Senator Stuart Symington? A. That was my conclusion; yes.

Q. Now, if I could give you these checks. [307] A. All right, sir.

Q. Mr. Buckley, I would like to run through them. Let's start with No. 6. Who was the payee? Would you give me the amount and the payee of that check, sir? A. Government's Exhibit No. 6 is a check dated February 21, 1964, in the amount of \$5,000, being payable to Dillon Ross, Treasurer, Citizens Committee for Symington.

Q. And I gather that you concluded that that was an expenditure to a committee that was advocating the election of Senator Symington; is that right? A. That was my conclusion; yes, sir.

Q. And the next one, please? A. Government's Exhibit 7 is a check dated February 21, 1964, in the amount of \$2,000, payable to Senator Symington Testimonial Dinner.

Q. And you concluded that that was an expenditure in connection with this testimonial dinner for the Senator? A. Yes, sir.

Q. That was after his election, or before his election? A. I don't recall now at this time whether Senator Sym-

ington was a candidate in '64 or not. I'd have to check, Mr. RandaH.

Q. Did you determine whether or not that expenditure was in connection with an election, or just in an attempt to honor [308] the Senator? A. It was an expenditure on behalf of a candidate for federal office. That's the way I made the conclusion.

Q. You thought he was a candidate at that time? A. Yes, sir.

Q. All right. The next one? A. Government's Exhibit No. 8 is a check dated February 29, 1964, in the amount of \$2,000, payable to Senator Symington Testimonial Dinner.

Q. And that's the same as the last one? A. Same conclusion; yes, sir.

Do you want me to continue?

Q. Yes. I'd like for you to go through all of them, Mr. Buckley. A. Government's Exhibit No. 9 is a check dated March 11, 1964, payable to the Dem. Congressional Dinner Committee, for \$1,000.

Q. Now, what candidate was that committee supporting? Do you know? A. I don't, but I say that was the basis of my decision, that it was a Democratic Congressional Dinner Committee, and it was in connection with a federal election.

Q. In other words, it was in support of Democratic candidates for Congress? [309] A. Yes, sir. Congressional candidate.

Q. The next one? A. Government's Exhibit No. 10, is a check payable to Morris A. Shenker for Political Expenditures and Contribution, dated May 8, 1964, in the amount of \$5,000.

If I may explain on this item, this whole \$5,000 is not included in the disbursements.

Q. I see. That's just gotten mixed in among— A. No, no. If I may continue. I interviewed Mr. Shenker.

Q. I see. Well, let's don't give his testimony? A. No, but that's—it was a portion of that—

Mr. Riddle: If it please the Court, he should be allowed to answer the question, complete his answer.

The Court: Well, you asked him about the check, so— all right, you may conclude your answer.

Mr. Randall: All right.

The Witness: I interviewed Mr. Shenker on December 27, 1967, at which time he said that a portion of these funds had been spent in the amount of \$2,850, for the following purposes:

\$1,000 on May 13, 1964, Democratic National Committee.

\$200 on May 18, 1964, for Congressman Lenor K. Sullivan Committee.

\$1,000 on June 3, 1964, for the Citizens for [310] Symington Committee.

\$150 on October 26, 1964, the McClanahan for Congress Committee.

And \$500 on October 30, 1964, to the Citizens for Symington Committee.

Q. Now, Mr. Buckley, who is Mrs. Sullivan? A. Mrs. Sullivan is the United States Congresswoman from the State of Missouri.

Q. Is she a Democrat or a Republican? A. She is a Democrat, I believe, sir.

Q. I see. No, Mr. McClanahan, who was he? A. I don't really know who he was at this juncture, but I have McClanahan for Congress.

Q. Was he the Democratic nominee for Congress? I don't know whether he got the nomination or not. He was the Democratic nomination for Congress, wasn't he? A. I don't know that, Mr. Randall.

Q. You just concluded, because it said— A. Yes, sir.

Q. What made you think— A. McClanahan for Congress Committee.

Q. All right. The next one? Government's Exhibit No. 11 is a check dated May 18, 1964, payable to Richard Maguire, Treas. Dem. Nat. Com., for [311] \$1,000.

Q. All right. And the next one? A. Another check dated May 18, 1964, payable to Richard Maguire, Treas. Dem. Nat. Com., \$1,000.

Q. The next one? A. Check dated—Government's Exhibit No. 13, a check dated May 19, 1964, for \$500, payable to Harris for Senate Club.

Q. Do you know who Mr. Harris was? A. Mr. Harris was a candidate for United States Senate from the State of Oklahoma.

Q. Was he a Republican or a Democrat? A. I do not know that, sir.

Q. All right. The next one? A. The next one is a check, Government's Exhibit 14, check dated May 19, 1964, for \$1,000, payable to Lenor K. Sullivan Finance Committee.

Q. That is the same Congressman you previously referred to? A. It is Congresswoman Sullivan.

Q. Congresswoman. Pardon me. And she is from the St. Louis area; is that correct? A. Yes, sir. Government's Exhibit 15 is a check dated May 25, 1964, in the amount of \$1,500, payable to Karsten Committee for Congress.

Q. Who is Mr. Karsten? [312] A. Mr. Karsten is the former Congressman, and at this time was a Congressman from the Missouri area. He was a Democrat.

Check No. 16, check dated May 25, 1964, in the amount of \$1,500, payable to Icord Committee for Congress. And Mr. Icord was a Congressman from Missouri.

Q. Down in southeast Missouri? A. Yes, sir.

Q. He is a Democrat too, isn't he? A. Yes, sir, I believe so.

Check No. 17, dated May 25, 1964, in the amount of \$1,500, payable to Price Committee for Congress.

Q. Mr. Price is a Congressman over in Illinois? A. From Illinois.

Q. Across the river? A. Yes, sir.

Q. He is a Democrat, isn't he? A. Yes, sir.

Check dated May 25, 1964, Government's Exhibit 18, for \$1,000, payable to the Democratic National Committee.

Q. All right. The next one? A. Government's Exhibit 19 is a check dated August 18, 1964, for \$100, payable to the Mel Price Testimonial Dinner. And that is Mr. Price that we mentioned before.

[313] Q. Same Price? A. Yes, sir.

Government's Exhibit No. 20, check dated September 29, 1964, payable to Friends of Congress Frazier Vol. Fund.

Q. Friends for what? A. Friends for Congress. I assume it is short for Congressman.

Q. Frazier. A. Frazier.

Q. Who is Mr. Frazier? A. He is a United States Congressman, or was a candidate for Congress from the State of Minnesota.

Q. He was a Democrat too, wasn't he? A. I don't know that for sure, Mr. Randall.

Q. All right. A. Government's Exhibit 21, a check dated September 29, 1964, in the amount of \$1,000, payable to Citizen for Proxmire U. S. Senator.

Q. Who is Mr. Proxmire? A. Mr. Proxmire is a United States Senator from the State of Wisconsin.

Q. And he is a Democrat, isn't he, sir? A. Yes, sir.

[314] Government's Exhibit 22 is a check dated October 8, 1964, in the amount of \$2,000 payable to The President's Club.

Q. I guess you concluded that had something to do with the election of the President; is that correct? A. Yes, sir,

because the endorsement says, "The President's Club for Johnson."

Q. Thank you. A. Check No. 23, Exhibit No. 23, a check dated October 13, 1964, for \$1,000, payable to Congressman Frank Karsten Committee. That's the same one I have alluded to.

Exhibit No. 24 is a check dated October 15, 1964, for \$1,000, payable to Congressman Richard Icord Committee. That's the same individual we mentioned before.

Government's Exhibit 25 is a check dated October 13, 1964, payable to Congresswoman Lenora Sullivan Committee, for \$1,000.

Government's Exhibit 26 is a check dated October 13, 1964, payable to Congressman Mel Price Committee, for \$1,000. Mr. Price is from Illinois.

Government's Exhibit 27 is a check dated October 16, 1964, payable to Richard Bolling Committee, for \$1,000.

Q. And Mr. Bolling is a Democratic Congressman from the Kansas City area, isn't he, sir? A. Yes, sir.

[315] Q. All right. A. Check No. 28, dated October 16, 1964, in the amount of \$2,500, payable to Phil Hart, Re-election Committee.

Q. Do you know who Mr. Hart is? A. Mr. Hart is a United States Senator from the State of Michigan.

Q. And he is also a Democrat, isn't he? A. Yes, sir.

Government's Exhibit No. 29 is a check dated October 16, 1964, for \$25,000, payable to Doyle, Dane, Bernbach, Inc.

Q. Now, do you know what that check was, sir? A. Our investigation showed that this check was forwarded to the Democratic National Committee, and thereafter forwarded to the payee.

Q. In other words, it was paying an advertisement bill for the Democratic National Committee? A. Yes, sir.

Q. All right. A. Government's Exhibit No.—I don't have Government's Exhibit No. 30 here, Mr. Randall.

Q. I think they pulled those out and put them at the bottom, because there was some difference in them. A. They were separate this morning, I know.

[316] The Court: 30 and 32 were two separate checks.

Mr. Randall: Here it is. 30 is the next one.

A. Government's Exhibit No. 30 is a check dated October 16, 1964, in the amount of \$10,000, payable to Bus. & Prof. Vol. for Johnson, Humphrey & Kennedy.

Q. All right. A. Government's Exhibit No. 31 is a check dated October 21, 1964, for \$2,500, payable to Cooval Committee for Senator. The endorsement reflects the name should be spelled C-a-r-v-e-l. Mr. Carvel is a United States Senator from Delaware.

Q. He is also a Democrat? A. I believe. I'm not sure on the party affiliation.

Government's Exhibit No. 32 is a check dated October 28, 1964, in the amount of \$25,000, payable to Friends of L. B. J.

Q. How is that endorsed? A. That is endorsed, "Pay to the order of Madison National Bank, Friends of LBJ, Paul A. Porter, Treas."

Government's Exhibit 33, dated April 8, 1965, check in the amount of \$5,000, payable to The President Club. That's endorsed to the account of the Democratic National Committee.

Q. Mr. Buckley, going back to that check just before, do you know who Mr. Paul Porter is? [317] A. Yes. He is a member of a law firm in Washington, D. C.

Q. He is a lawyer, member of a law firm? A. Yes, sir. Did you get that on check No. 33? Dated April 8, 1965, \$5,000, payable to The President's Club.

Government's Exhibit 34 is a check dated May 5, 1965, payable to Helen Dunlop, in the amount of \$869.05.

Q. Do you know who Helen Dunlop is? A. Yes, sir. She is the secretary to Senator Edward V. Long from Missouri.

Q. All right. A. Government's Exhibit 35 is a check dated June 9, 1965, for \$1,250, to Milwaukee Publishers, Inc.

Q. Do you know what that was for, sir? A. Yes, sir. That was to pay for some political advertisement for a man named Clement Zablocki, who was a candidate for Congress from Wisconsin.

Q. And he's a Democrat too, is he? A. I don't know that, Mr. Randall, offhand.

Q. All right. A. Government's Exhibit 36 is a check dated June 21, 1965, for \$1,000, payable to the Democratic Congressional Dinner Com.

Q. Exhibit No. 37 is a check for \$100, dated February 22, 1966, payable to the Non-Partisan Testimonial Dinner (Melvin Price). That's Mr. Price that we referred to.

[318] Government's Exhibit 38 is a check dated March 1, 1966, in the amount of \$5,000, payable to Long for the Senate Committee. That is Senator Edward V. Long of Missouri.

Q. Thank you. A. Government's Exhibit 39 is a check dated April 5, 1966, in the amount of \$100, payable to the Non-Partisan Testimonial Dinner, and it is endorsed on the back by the same endorser of the prior check for \$100 for Mr. Price.

Government's Exhibit No. 40, dated May 5, 1966, is a check for \$1,000, payable to the Democratic National Committee.

Check No. 41 is a check dated June 7, 1966, in the amount of \$3,000, payable to Long for the Senate Committee, referring to Senator Long of Missouri.

Check No. 42 is dated June 23, 1966, in the amount of \$5,000, payable to The Democratic National Committee.

Check No. 43 is a check dated June 27, 1966, in the amount of \$1,000, payable to Ichord for Congress Committee. That refers to Congressman Ichord.

Q. From down in southeast Missouri? A. Yes, sir.

Check 44, dated July 29, 1966, check in the amount of \$1,000, payable to the Fraser Voluntary Committee.

Q. That is the same gentleman referred to before? [319] A. I believe that is the gentleman I referred to before.

Check No. 45 is a check dated August 23, 1966, in the amount of \$1,000, payable to The Honorable Aileen B. Ryan, and after that appear the words "Campaign contribution," and Mrs. Ryan was a candidate for the United States House of Representatives from the State of New York.

Q. Was she a Democrat? A. I don't really know, Mr. Randall.

Check No. 46 is a check dated September 30, 1966, in the amount of \$1500, payable to the Congressman Richard Bolling Committee, who is from Missouri.

Q. From up in Kansas City? A. Yes, sir.

Check No. 47 is a check dated September 30, 1966, in the amount of \$1,000, payable to the Friends of Fraser Voluntary Committee, refers to Congressman Frazier I talked about before.

Check No. 48 is a check dated September 30, 1966, in the amount of \$1,500, payable to the 24th Illinois District Congressional Campaign Fund, and that's endorsed, "Melvin Price, 24th District Campaign Committee."

Q. It is the same Mr. Price? A. Yes, sir. Check No. 49 is a check dated October 5, 1966, in the amount of \$1,000, payable to Re Elect Stalbaum to [320] Congress Committee.

Q. Have we identified Mr. Stalbaum yet, Mr. Buckley? I don't recall that. A. No, we haven't previously. Mr. Stalbaum was a candidate for Congress in the State of Wisconsin.

Q. Do you know what his politics was? A. I really don't know, Mr. Randall. No.

Q. All right. A. Check No. 50 is a check in the amount of \$2,000, dated October 5, 1966, payable to Race Club for Congress. And Mr. Race was a candidate for Congress from the State of Wisconsin.

Q. Do you know what his politics is? A. No, I do not, Mr. Randall.

Government's Exhibit No. 51 is a check dated October 5, 1966, in the amount of \$10,000, payable to Committee to Re Elect Paul A. Douglas. Senator Douglas was the senator from Illinois.

A. He was the Democratic senator from the State of Illinois? A. Yes, sir. Government's Exhibit 52 is a check dated October 5, or 6—it's been crossed over there—1966, in the amount of \$2,000, payable to Fogarty's Campaign Committee, and Mr. Fogarty was a candidate for United States House of [321] Representatives from Rhode Island.

Q. Do you know his politics? A. I don't know his political affiliation.

Government's Exhibit No. 53 was a check dated October 6, 1966, in the amount of \$1,000, payable to Fallons Campaign Committee. Mr. Fallon was a candidate for United States House of Representatives from the State of Maryland.

Q. Did you determine his politics? A. I did not, sir.

Check No. 54 is a check dated October 10, 1966, for \$1,000, payable to Franklin Haney for U. S. Congress. Mr. Haney was a candidate for Congress, and I don't have the state on my notes here.

Q. You don't know his politics? A. I do not, sir; no, sir.

Check No. 55 is a check dated October 19, 1966, for \$1,000, payable to the Harding for Senator Committee. Mr. Harding was a candidate for United States Senator from the State of Idaho.

Q. And he was a Democrat, wasn't he? A. I do not know, sir.

Q. All right. A. Check No. 56, dated October 27, 1966, for \$1,500, payable to the Congressman Frank Karsten Committee; Democrat [322] from Missouri.

Q. That is the same Congressman? A. Yes, sir.

Check No. 57 is a check dated October 27, 1966, in the amount of \$1,500, payable to Congressman Richard Ichord Committee, which is the same party we referred to before.

Check No. 58 is a check dated October 27, 1966, for \$1,000, payable to Congresswoman Lenora Sullivan, who is from Missouri, and a Democrat.

And check No. 59 is a check dated November 20, 1966, in the amount of \$1,945.50, payable to Milwaukee Publishers, Inc. (Political Printing), and up in the corner is typed the words, "For Clement Zablocki." He is a candidate for the United States House of Representatives from the State of Wisconsin.

Q. And you referred to him before? A. Yes, sir.

Mr. Randall: That's all the questions I have, Your Honor.

Mr. Daly: I have just one question.

The Court: All right.

### Cross-Examination

By Mr. Daly:

Q. Mr. Buckley, you may have testified to this and I may have missed it, but all the collections from the Vol-

untary Fund [323] came in via such cash accompanied with a Voluntary Fund sheet; is that correct? A. Yes, I would say that, from the book; yes, sir.

Q. And the sheet then was—then the amounts on the sheet were then entered in these books by Mrs. Stiefelman; is that correct? A. The amounts entered in the books is an accumulation of sheets, a bundle of them.

Q. I'd like to ask you if you ever took the sheets themselves that were brought in and checked them on these books to see if all the money that was brought in was accounted for in these books? A. I did that for one period. It was, I believe, the period of January, 1966, which was a very heavy—I mean they had a lot of contributions that month, and I did it for that month to prove to myself.

Q. Was it a month or a year, sir? A. It may have been a year at that, but I know I did it for a time.

Q. And was all the money accounted for in the books? A. It was all recorded in the books as represented on the adding machine tapes.

Mr. Daly: I have no further questions.

[324] Mr. London: No questions, Your Honor.

Mr. Nangle: No questions.

The Court: Any redirect.

Mr. Riddle: We have nothing further of this witness, Your Honor.

The Court: All right. I think the record ought to show that the defense was given the transcript of this last witness before the grand jury. I mean the last witness Buckley.

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[337]                    **EDWARD W. GISSING,**  
being first duly sworn, testified in behalf of the Govern-  
ment as follows:

[338]                    **Direct Examination.**

By Mr. Middle:

Q. Sir, would you state your name in full for the Court and jury? A. Edward W. Gissing.

Q. Where do you live? A. Route 1, Dixon, Missouri.

Q. That is down in the area of Ft. Leonard Wood and the Lake of the Ozarks? A. That's correct.

Q. Mr. Gissing, are you a member of Local 562? A. I am.

Q. Pipefitters? How long have you been a member of that Local? A. About fifteen of the last twenty-five years.

Q. Now, at the present time, are you a foreman? A. Yes.

Q. What job are you working on now? A. Ft. Leonard Wood.

Q. Sir, have you been a foreman for the last several years? A. Mostly.

Q. All right. Now, are you a steward for Local 562? [339] A. No.

Q. Have you ever been? A. Yes.

Q. When were you? A. Various times in the last fifteen years.

Q. All right, Sir. What about the year 1963 and '64? Were you a steward then? A. If you tell me what job it was, I'd be able to tell you. I can't go back that far.

Q. All right, sir. Let's talk about the job at Ft. Leonard Wood. A. Yes.

Q. For the Vaught Company? A. Correct.

Q. You were a steward for the Local at that time? A. I'd say so; yes.

Q. What size of a crew did you have working under you then? About, in numbers? A. The peak, between fifty and sixty.

Q. All right, sir. And it decreased in number, I suppose, from time to time, and got down as low as just a skeleton crew? A. Yes.

Q. Do you remember the job at Ft. Leonard Wood where you were employed by the Vaught Company? [340] A. Yes, sir.

Q. Do you remember when that job began? A. In what month?

Q. Yes. A. No, I don't.

Q. You do not. Do you recall about how long it lasted? A. I would say about fifteen months.

Q. Sir, as a steward and a foreman, what were your duties on that job?

Let me withdraw that question. What were your duties or responsibilities as a steward for Local 562? A. Well, it is so involved I just couldn't answer that without—I just wouldn't know how to answer it. Mostly for any disputes and jurisdiction.

Q. All right. What about collecting dues and assessments? A. Yes, sir. When you say collect them, I gather them up.

Q. Sir, while you were working on the Vaught Company's job at Ft. Leonard Wood, did you collect, make collections from your people, the people or staff, or on your shift or crew? A. For what?

Q. Well, for anything? A. When you say collect, do you mean did I gather up some monies?

[341] Q. Yes. A. Yes.

Q. All right, sir. Now, working on your crew there, did you have people who were both members of 562 and who were non-members, or out-of-towners? A. Yes.

(Thereupon, Government's Exhibit No. 74 was marked by the reporter for the purpose of identification.)

Q. Sir, I show you what has been marked Government's Exhibit No. 74, and ask you to examine it and see if you can identify it for the Court and jury, please? A. I would say yes.

Q. What is it? A. It's a form that we use to know how many of these people contributed to this Voluntary Fund, I would say.

Q. All right, sir. Now, in looking at that exhibit that you have in your hands; No. 74, can you tell us if that is prepared in your handwriting? A. Yes.

Q. Does it contain the list of all the people who were working for you at that time for the pay period ending June 20th? A. I don't know if that would include all the people that was working there at that time; no.

[342] Q. All right. Sir, in going down the list, or going over the document that you have in front of you, I notice that there is a column over here to the right that shows the payments of two dollars and a half, two dollars and a half, and so on down the line. A. Um hum.

Q. Who actually collected that money? A. When you say collected, these people come to the office at their convenience and present the money to you. We don't collect it.

Q. All right, sir. How often do they come to your office? A. Usually on some designated day when it is convenient. Usually on a Monday morning.

Q. Usually on Monday morning? A. Yes, sir.

Q. All right, sir. And the collections that are made there on Monday morning are made to you? Are made to you in cash? A. In most cases.

Q. All right, sir. Now, then, do you prepare this list that you have in front of you on the morning that they come in, or did you prepare it in advance? A. I could have made this out any time in the following [343] week at my convenience when I wasn't too busy.

Q. Well, can you explain this for the jury, when you say "following week"? Can you explain that for the jury's understanding, please? A. In some cases, on Monday morning I would be busy doing other things, and they would give this money to just anybody that was around the office there until I had time to list it.

Q. Until you had time to what? A. List it.

Q. All right. Then is it your testimony that you made out this list showing the payments after the money was received? A. Yes.

Q. On each and every occasion? A. Well, I couldn't make this out until after I received the money.

Q. Why was that? A. I wouldn't know what they were contributing.

Q. All right, sir. Now, looking over the list there, can you tell the jury how much per hour, or how much per day was being contributed for that period in that week?

A. Well, if they had twenty hours in and paid \$2.50, if this is what this says, then they would be paying 50 cents for every eight hours that they worked; is that correct?

[344] Q. All right, sir. They would be paying 50 cents for each eight hours that they worked. All right, sir. Now let's look at this fellow McVey. He worked how many hours? A. Thirty-two.

Q. And he paid how much? A. \$4.00.

Q. All right. And what is the man's name right beneath him? A. Schwing.

Q. All right. Now, how much did he pay? A. He didn't pay anything.

Q. Why do you have his name on this list? A. Well, he was working out there at the time.

Q. Why do you have his name on the list if he didn't pay you anything, sir? A. I can't answer that. He was probably on the payroll, and I put it down whether he pays or not.

Q. Well, sir, did I understand—— A. He may have been absent.

Q. Do you have a notation indicating about him on your list? A. Yes.

Q. What is it? A. The fact that they don't have any hours down that he [345] worked.

Q. All right, sir. Do you have anything else on the list? A. No.

Q. Do you see the word "Rolla" on there? A. Um hmm.

Q. What does that mean to you? A. Well, in all probability, Mr. Warren wasn't working that week either, and had somebody bring his contribution in for that week, or the week before.

Q. I am talking about the man Mr. Schwing you show not working. A. That's correct.

Q. And show Rolla on there. A. That's where he lived.

Q. All right, sir. Is that where he lived? A. Yes. Incidentally, at this time, the following week this man died.

Q. All right, sir. Now then, my question, sir, after you have looked at that sheet that you have in your hand, and wondering if it may have refreshed your recollection, will you tell the Court and jury if that list was prepared before the collection day, Monday, or on the day that the money was given to you? A. I can't answer that. I don't know whether it was or [346] wasn't.

Q. All right, sir. Is it your testimony now that you don't know whether it was prepared on Monday, or the date that the collections were made, or earlier? A. Usually

when I prepare these lists I prepare it quite a few ahead of time, and I would put carbon paper in it.

Q. Now then, if you would prepare them ahead of time, how would you know what figure to put in for the amount of their, as you say, contribution? How would you know, sir, in advance what a member of your crew would be wanting to contribute next Monday morning? A. I wouldn't know.

Q. How would you then arrive at the figure that you put on the list that you have there? A. Sorry, I don't understand you.

Q. I see. Well, I understand your testimony to be that these were contributions that the people made? A. That's correct.

Q. Then I understood your testimony to be that you filled this out in advance on occasion? A. Just the names, not the amount of money.

Q. Oh, I see. Now, the amount of money you never filled out in advance? A. Not until after it had been contributed.

[347] Q. All right, sir. All right. Now, sir, on the list that I just gave you marked Government's Exhibit 74, I believe you indicated that these people were contributing a dollar a day? A. Yes.

Q. All right, sir. Now then, does that tell you whether those people are members of 562 or out-of-town members? A. Everyone on this sheet would be a member of Local 562.

Q. All right, sir. And every member on this sheet made this contribution to you as the steward or foreman? A. Yes.

Q. All right, sir. Sir, if these members or these people on your crew had been out-of-towners, what would they have been paying? A. In all probability, twice that amount. Now, you are going back to '63 or '64, and that's—

Q. All right, sir. Let me have this marked and you can use it and refer to it yourself.

(Thereupon Government's Exhibit No. 75 was marked by the reporter for the purpose of identification.)

Q. I show you what's been marked Government's Exhibit No. 75, and ask you to examine that and tell the Court and jury if that is filled in in your own hand and in your own writing? [348] A. Yes.

Q. And for what pay period is that? A. This is for June 20th, but it don't have a year on it.

Q. Well, is it for the same period of time as Government's Exhibit 74? A. I'd say yes.

Q. Now, sir, are the people whose names appear on both these exhibits Nos. 74 and 75, were they working on your crew and under your direction? A. I would say yes.

Q. All right, sir. Now, are all of the ones who were working on your crew that are listed on Government's Exhibit 75, that you have in your right hand, are all those people members of the out-of-town unions, or of 562? A. They are not members of 562.

Q. And how can you tell that? A. We keep a record of those who are members of 562, and those who are not, and use separate lists as a convenience for when this money reaches its destination, they don't have to separate it.

Q. All right, sir. Can you tell me, looking at the exhibit that you have in your hand, just by looking at it, whether those people are out-of-towners or members of 562? A. They are out-of-town members.

[349] Q. How can you tell by looking? A. I know them all personally.

Q. Can you tell by the rate of pay, or the rate of the contribution? A. Yes.

Q. What is the rate of the contribution by each of those eleven people? A. I would say here it would be \$2.00 for every eight hours that they worked.

Q. As compared to \$1.00 per each eight hours worked by a regular member? A. That's correct.

Q. All right, sir. Now, sir, did the people who showed up on Government's Exhibit 75, when you talked to them do you know whether or not they knew that the regular members were paying one-half the amount they were paying? A. Yes, they did.

Q. They did know that? A. Yes.

Q. Sir, is it your testimony that these members from out of town were voluntarily paying twice the amount that the regular members were paying? A. Yes.

Q. That is your testimony? [350] A. That's my testimony.

Q. Were these same members paying dues or assessments to the union, in addition to this amount? A. That, I don't know. Each man on this list had worked for more than two years prior to the time they came on our job. This was nothing that they wasn't familiar with.

Q. Sir, what were they familiar with? A. They had been working on other jobs in this jurisdiction where people had been contributing. They themselves had been.

Q. What is it that they were familiar with? That is what I would like you to tell the Court and jury, sir. A. The fact that people weren't contributing to this fund.

Q. And were they familiar also with the fact that out-towners contributed twice the amount? A. I would say yes.

Q. Sir, just one more thing with respect to these two exhibits 74 and 75. Is every name listed on those two lists shown as a contributor, except the man that you said died? A. Yes.

Q. And, sir, with respect to the regular 562 members, is the amount that they contribute, as is indicated on that sheet, based upon a formula, namely, \$1.00 per day worked? [351] A. Yes.

Q. And is the contribution on the out-of-towners based upon a formula, \$2.00 per day worked? A. Yes.

Q. All right, sir. And is this the way you figured these sheets when you made them up on that formula? A. I didn't figure them.

Q. I see. Now, sir, in the event on a given Monday morning that one of the members, or one of your men came up to you, or as a result of your conversation told you that he couldn't pay you, did you make an entry of that on one of these sheets? A. Very seldom did anything like that happen. If the man couldn't pay, that he didn't have any money, he'd usually borrow some money off of me to eat on the rest of the week.

Q. All right, sir.

(Thereupon Government's Exhibits Nos. 76 and 77 were marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked Government's Exhibit No. 77, and ask you to examine that and tell the Court and jury if that is in your own handwriting? A. I would say yes.

Q. Sir, how many people are on this list? How many of your men? (352) A. You say "my men." You are saying what?

Q. The people on your force, I guess they are, or crew. A. There's ten listed here.

Q. Of the ten that you list there, how many of them paid? A. Nine.

Q. And what about the tenth one? A. One of them here was sick.

Q. And what do you have underneath the word "sick"?  
A. Owe.

Q. O-w-e? A. Owe. That's correct.

Q. By that, did you mean that he owed his voluntary contribution for that week?

Mr. Randall: Your Honor, I am going to object to that question as leading.

The Court: Oh, no, he may answer that question.

The Witness: Will you ask me that again?

Q. (By Mr. Riddle) Yes. Did you mean by that that he owed his voluntary contribution for that week? A. I would say this is just a note that he did not pay it. He wasn't there this week; that week; or from the week before. I don't know.

Q. Why did you write the word "owe" on there? A. I don't know.

[353] Q. Now, sir, after you filled this sheet out, where did you send it? The one you have in your hand? A. Well, recently it was sent to the union hall.

Q. To the union hall. And when that came to the union hall, it would have your notations on it? A. I would say yes.

Q. Yes, sir. Now, this is not just an infrequent thing when you put on these that they owe, is it? A. No.

Q. In fact, you did it every time somebody came up short? A. Yes, I guess I did, if I was keeping books right.

Q. And the purpose for that was to let the people up in the head sheets, or at the union hall, know whether a man had paid or not? A. No.

Q. That wasn't the reason? A. No. This was to let me know, for one thing; and let him know, for another thing, when he came back to work.

Q. When he came back to work, what? A. He would want to know.

Q. And he would want to know that he owed you? A. Yes.

Q. All right, sir. Let me show you what's been marked Government's Exhibit No. 76, and ask you to examine it, if you [354] would, please? Is that in your handwriting?

A. Not No. 11, no. All the rest of it, I would say is.

Q. All in your handwriting except No. 11? A. Yes.

Q. All right. So there are how many people listed? A. Nine.

Q. Nine. You are at the top of them, and a fellow by the name of Toland is at the bottom? A. That's right.

Q. Of the nine listed on that date, how many of them paid? A. Eight.

Q. What happened to the ninth one? A. He had been terminated the week before.

Q. And what do you have down there beside his name? A. Owe.

Q. Owe? A. Um hm.

Q. All right, sir. And that went in to the union hall? A. Yes.

Q. Now, is there any correlation between the termination and the fact that he owed? Which came first? Do you know? Was he terminated before he owed or did he owe after he was terminated? Do you recall [355] A. It could be either way.

Q. All right, sir.

(Thereupon Government's Exhibit No. 78 was marked by the reporter for the purpose of identification.)

Q. I will show you what's been marked Government's Exhibit 78 for identification; and ask you if that is prepared by you and in your own handwriting? A. Yes.

Q. That's a report of the collections made by you for the week ending July 31, 1964? A. Yes.

Q. And it shows that there are how many people? Ten on your crew? A. Ten.

Q. All right, sir. Of the ten, how many paid? A. Ten.

Q. Now, sir, I notice that beside the name Mokwa—  
A. Um hmm.

Q. —that there is an odd figure there. He paid \$10.00 and then he paid \$8.00 for a thirty-two work week. Can you tell the Court and jury why he paid \$18.00 for a thirty-two work week—32-hour work week? A. Is this not the man who hadn't contributed the week before, and came in to work this week and then contributed for [356] the week that he hadn't been there?

Q. Oh. He made up for his delinquency in his voluntary contribution. Is that what you are saying? A. Yes.

Q. All right. Now, this report showing that he had caught up on his delinquency, did that go in to the head hall? A. I would say so; yes.

Q. With the money collected? A. Yes.

Q. All right, sir. In fact, sir, the collection of delinquencies or arrears was a common thing for you out on the job? A. No. Again, when you use the word "collect," I never collected anything.

Q. Well— A. This money was contributed, and for a matter of convenience I, and sometimes somebody else on the job, would try to keep some kind of bookkeeping.

Q. Well, what was the purpose for the bookkeeping? A. To know who contributed and who didn't.

Q. Well, sir, what was the purpose of keeping a record of voluntary contributions? A. So the office would know who contributed, and how much.

Q. All right, sir. Sir, on the job as foreman or steward [357] did you have the right to hire or fire? A. Yes.

Q. Did you have the right to assign jobs? A. Yes.

Q. You could select members of your crew to do one job, and other members of your crew to do another job?

A. That's correct.

Q. Now, sir, back before October of 1963—I want to direct your attention to that period of time that would be from January 1, 1963, until October of '63. Do you recall where you were working then? A. No.

Q. All right, sir. Sir, do you remember when the dues went up, or these collections, or voluntary collections, went up from two dollars and a half, or 50 cents a day, rather, to a dollar a day? Do you remember that? A. I don't know when; no, sir. I know that they did, yes, but what year it was, I don't know.

Q. Do you remember that they went up from 50 cents a day to a dollar a day? A. Yes.

Q. All right, sir. Where were you when that happened? A. I'm sorry, I don't know.

Q. Well, at the time that that happened that they went [358] up from 50 cents a day to a dollar a day, were you a steward or a foreman at that time? A. I couldn't answer that and know that I was speaking the truth. I'd have to know what day it was. No, I don't remember. No. I'm sorry.

Q. All right, sir.

The Court: Mr. Riddle, let me know when it would be a good time for a recess.

Q. (By Mr. Riddle) Sir, on the job for the Vaught Company down at Ft. Leonard Wood, do you recall any person working on your crew that didn't make these voluntary contributions? A. No.

Q. Do you know of any person working on your crew throughout that period of time that didn't make his full voluntary contribution? A. Not by name. There may have

been some that didn't; might have been some misfortune and didn't have any money, and maybe left the job or something. I don't know that everybody paid; no, sir.

Q. Sir, did you consider as a result of your handling of the money on the job at Ft. Wood, that you had done a good job in collecting the money from all the members?

A. I think I did it accurately, if that is what you are [359] saying. I think I kept pretty fair books.

Q. And did you, to the best of your recollection, did you collect from everyone? A. I would say yes. There could have been people that didn't pay.

Mr. Riddle: This is a good place to break, I guess, Your Honor.

The Court: All right. We will have our afternoon recess.

Is there a statement here?

Mr. Randall: No, Your Honor. You mean—yes, do you have a statement?

Mr. Riddle: We haven't quite finished with him, Your Honor.

The Court: Oh, Ok. We will have an afternoon recess. Bear in mind the admonition I have given to the jury.

(Following a brief recess, Government's Exhibits Nos. 79, 80, 81, 82, 83 and 84 were marked by the reporter for the purpose of identification.)

(The direct examination of Witness Gissing was continued as follows:)

Q. (By Mr. Riddle) Sir, I am handing you what's been marked Government's Exhibits 79 through 84, and ask you if you [360] would examine each of them and see if they were prepared by you, and in your own handwriting? Were they, sir? A. I would say yes, sir.

Q. Sir, is all the writing that appears on them, and particularly the absent or owes, are all of those in your handwriting? A. Yes.

Q. Well, there are others on there. I'd like for you to look at them and be sure. A. Others like this?

Q. Yes. A. Do you refer to this?

Q. No, I am referring to any time the word shows "owe". See if that is in your handwriting? A. I would say yes.

Q. Look at the rest of them. A. I would say that it is all in my handwriting; yes, sir.

Q. All right. Sir, during this same period of time, that is, in the year 1964, at the time you were working on the Ft. Wood job, did you pay assessments to the Union 562? A. When you say assessments, are you saying union dues?

Q. Yes. A. They are deducted out of my paycheck.

Q. They were deducted out of your paycheck by your [361] employer? A. Correct. I would say yes, to the best of my knowledge; yes.

Q. Sir, is it not a fact that somewhere in October of 1963, from there on, all deductions for dues and assessments, withholding taxes, Social Security, were withheld by your employer or the contractor? A. To the best of my knowledge, yes.

Q. All right, sir. Prior to that date, prior to October of 1963, how did you pay your union dues and assessments, before the companies or the contractors withheld? A. I just don't remember. I can't answer that. That's a little bit too far back for me to remember.

Q. All right, sir. Well, sir, the amount of monies that were collected by you, and the amounts of monies that you paid, did you refer to them as assessments? I am talking about the \$10.00 that appears, and \$5.00 that appears on the Pipefitters Voluntary Fund. A. No, sir.

Q. You never called them assessments? A. No.

Q. Well, now do you understand—or what do you understand an assessment to be? A. Union dues.

[362] Q. Union dues? A. Yes.

Q. All right. Now, sir, do you pay your union dues voluntarily? A. Yes.

Q. You pay this voluntarily? A. Yes.

Mr. Riddle: Thank you, sir. That's all.

If it please the Court, we'd like to offer into evidence Government's Exhibits 74 through 79, and ask that they be received.

The Court: What about 79 through 84?

Mr. Riddle: Through 84, Your Honor. 79, yes, and through 84.

The Court: 71 through 84? Is that it?

Mr. Riddle: 74 through 84, Your Honor.

The Court: 74 through 84. All right. They will be received.

Mr. Riddle: Did His Honor say they could be received?

The Court: They will be received.

Mr. Riddle: Thank you.

(Thereupon, Government's Exhibits Nos. 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 were received in evidence.)

[363] The Court: All right. Who is going to cross-examine?

### Cross-Examination.

By Mr. Daly:

Q. Mr. Gissing, you indicated to Mr. Riddle that you pay your union dues voluntarily; is that correct? A. That's correct.

Q. You also pay this contribution voluntarily; is that right? A. That's right.

Q. What happens to you if you don't pay your union dues? A. I don't know. I have always paid them, and I am going to continue to pay them. It is a privilege for me to pay them, if that is what you are saying.

Q. What happens to a man who doesn't pay his union dues? A. I don't know of any case where anybody refused to pay them or didn't want to.

Q. Would a man who didn't pay his union dues be expelled from the union? A. I don't know. I couldn't answer that.

Q. All right. You testified that you were steward on the job down in Ft. Leonard Wood; is that correct? A. That's correct.

Q. When did that job kick off [364]? A. I don't remember. There was two jobs. One was immediately after the other. I don't remember if there was a time pause in between those two jobs or not.

Q. Were you the steward on both of those jobs, Mr. Gissing? A. Yes, sir.

Q. I see. Now, would you get to the job then before it started? A. In this case, no. The first job was half completed when I went out there.

Q. Well, then would the rest of the pipefitters start at the same time you started out there?

The Court: On a particular day, Mr. Daly?

Mr. Daly: At the same time. Is this correct?

The Witness: Are you talking about this job in particular?

Q. Yes, sir. The Vaught Company job at Ft. Leonard Wood. A. When I went to the Vaught Company job, there had been people working out there, pipefitters working out there for, oh, some four, five, six months.

Q. Was there another steward there before you got there? A. Yes.

Q. All right. Then you became the steward when you got there; is this correct [365] A. Yes.

Q. And it was at this time that you started collecting the fund? Or you say you didn't collect it. They brought the money in to you; is that right? A. That's correct.

Q. Now, had the men who brought the money in to you signed the voluntary card? A. They had signed that prior to the time that I got there.

Q. Were there any of the men hired after you got there? A. Yes.

Q. And did those men contribute to the Voluntary Fund? A. I would say yes.

Q. Did they sign the card? A. Yes.

Q. And from whom did they get the card? A. From either I, or a man that I had in the office and warehouse doing office work.

Q. Now, do you remember when you would give them the card what you would say to the man? A. Well, I would give them the cards when I gave them the cards for their withholding, and in most cases if I didn't give it to them, they would ask for it. These were all men that worked in this jurisdiction for quite some time before.

[366] Q. Did they read these cards? A. Oh, yes.

Q. Did they sign the cards? A. Yes.

Q. Then following that they would make this contribution; is this correct? A. That's correct.

Q. Now, Mr. Riddle indicated that as steward in there you had some right to hire and fire; is this correct, Mr. Gissing? A. If I hire someone or fire someone, it would not be as a job steward. It would be as a piping superintendent.

Q. I see. Let me ask you this. Did you ever know, on that job, or any other job that you have ever been on, anybody to be fired for the failure to contribute to the Voluntary Fund? A. I don't know of anybody that never did pay it.

Q. Did you ever work on jobs, Mr. Gissing, that there were people who did not contribute? A. Maybe for the first week they didn't. Is that what you are saying?

Q. No. At any time? A. No. No.

Q. In other words, most of the men, and all of the men you are saying that worked under you when you were steward, made this contribution; is that right? [367] A. That's correct.

Q. Do you know of men in the Local who did not make this contribution? A. No, sir.

Q. Every man that you know in the Local makes the contribution? A. Are you still talking about the job at Ft. Leonard Wood?

Q. Any job. A. No.

Q. I am talking about the Voluntary Fund. A. I have been on jobs where people didn't contribute.

Q. That is what I am asking about. Did you ever know of those people to be fired as a result of not contributing? A. No, sir.

Q. How long have you been working as a steamfitter, or pipefitter, in this local? A. More than twenty-five years.

Q. And how many different jobs, say, in the last four or five years have you worked on? A. In this area, about five or six in the last five years.

Q. Have you worked in other areas? A. Yes.

Q. What other areas have you worked in? [368] A. I was out in California for seven, eight years, Arizona, New Mexico, Nevada.

Q. On the jobs in this area, how many occasions on these jobs were you either the steward or the foreman? A. Here in Missouri?

Q. Yes, sir. A. Practically every one I have been on in the last ten or twelve years.

Q. I see. And on practically every job would you then be the one to have the money brought to you? A. In most cases, yes.

Q. Then these sheets that you have identified as being yours, these were the records then that you kept on these jobs of the money brought in to you; is that right? A. I would say yes.

Q. And you had the duty then, or the job, or the responsibility of seeing that this money was taken into the Voluntary Fund at the union hall; is that right? A. I would say yes.

Q. And if your sheet shows on the bottom—right here is the total of \$30.00, then you would turn in \$30.00; is this correct? A. That's correct.

Q. And if it showed other than that, whatever it showed [369] on there, this is what you would take in; is this correct? A. That's correct.

Q. Was there on these jobs, assuming there is some ten, twelve or fifteen men working, was it the same men that contributed week after week to these things? A. Yes.

Q. And were there occasions when men would come in to you and tell you, "Look, I don't have it this week but I will bring it in next week"? A. That happens quite often on Monday mornings.

Q. All right. Now, you don't ever threaten anybody to make them pay this, do you? A. No. I know they want to pay it. It is just a question of time, and they will.

Mr. Daly: I have no further questions.

Mr. Randall: I'd like to ask a few questions, Your Honor.

**Cross-Examination.**

By Mr. Randall:

Q. Sir, have you always contributed to this Voluntary Fund yourself? Have you always contributed to the Voluntary Fund yourself? A. Yes, sir.

Q. And have your contributions been voluntary? [370] A. Yes.

Q. Has anyone put any pressure on you to contribute to it? A. No, sir.

Q. Now, did you attend some of the meetings of the Voluntary Fund, political meetings that were held on Sunday down at the Electricians' hall? A. Yes, sir.

Q. Did some of the candidates that the Fund was supporting appear at some of those meetings? A. Yes, sir.

Q. Were you aware, generally, of the candidates that were being supported by the Voluntary Fund? A. Yes, sir.

Q. And were they principally Democrats? A. Yes, sir.

Q. And why were they supporting principally Democrats, sir? A. Are you asking me my opinion why?

Q. Yes. A. Well, they have been friends of us and labor.

Q. Because they have been the friends of labor; is that it? A. That is my idea; yes, sir.

Q. Sir, what is your politics? [371] A. I am a Democrat.

Q. Now, sir, can you tell me some of the jobs, or mention the names of some of the jobs, if you can recall, where some of the workers did not contribute to the Voluntary Fund? A. In Missouri?

Q. Yes. A. I had a job up at Jefferson City where quite a few of them didn't contribute.

Q. Did not contribute? A. Yes, sir.

Q. And were they members or non-members of Local 562? A. Non-members.

Mr. Randall: That's all. Thank you.

The Court: Mr. Nangle?

Mr. Nangle: No questions, Your Honor.

The Court: Redirect?

**Redirect Examination.**

By Mr. Riddle:

Q. You say that the job in Jefferson City sometime ago; that you had some people on your crew that didn't pay? A. That's correct.

Q. When was this, sir? A. I would say two years ago.

Q. Now, these were not members of 562? [372] A. They were not members of 562; no, sir.

Q. All right. How many of them refused to pay? A. They didn't refuse to pay.

Q. How many of them didn't pay? A. About somewhere between twelve and twenty.

Q. How long did that job last? A. I would say thirteen months.

Q. Now, did these twelve or twenty stay on the job there that whole thirteen months? A. They stayed on it, about, I would say ten months.

Q. Ten months. Who was the contractor for that job? A. Natkin Company.

Q. What were you building over at Jefferson City? A. A cough syrup cosmetic plant.

Q. Is that for Chesebrough-Pond? A. Chesebrough-Pond.

Q. Sir, how many people did you have on your crew over there? Total? A. About fifty.

Q. About fifty. Out of the fifty, you say twelve to twenty didn't pay? A. Yes, sir.

Q. The rest of them did? A. Yes.

[373] Q. Now, the twelve to twenty that didn't pay, did you ever talk to any of them? A. Oh, yes.

Q. Did you ask them why they didn't pay? A. Well, in this case, due to jurisdiction or something, the Voluntary Fund didn't want to collect any dues. They all wanted to pay.

Q. Oh, I see. A. They all wanted to pay, but for some reason I didn't accept any contributions from them.

Q. Now, tell the Court and jury about these twelve to twenty that wanted to pay into the Fund, and you say for some reason or other you didn't want to accept the money. A. Not I. I don't have anything to do with this. I just gather it up.

Q. Yes, sir. Well, now who told you not to accept their money? A. The Welfare office.

Q. The Welfare office? A. Yes.

Q. Which Welfare office? A. Local 562.

Q. And who in that Welfare office told you not to accept their money? [374] A. I don't know. I don't remember who it was or—it was an agreement between everybody, I would say.

Q. Well, now the Welfare office just didn't up and talk itself. Somebody in there must have talked. I'd like you to tell the Court and jury who it was that told you not to accept their contributions. A. This is a detailed thing that happened. There is a long story behind this.

The Court: The question was who told you?

The Witness: I don't remember.

Q. (By Mr. Riddle) All right. Well, what were you told? Do you remember that? A. Not to permit the Jefferson City men to contribute into the Voluntary Fund.

Q. All right. Now, how did you go about telling these people that they couldn't voluntarily contribute? A. I just told them they wouldn't accept their money.

Q. Did they come in and want to pay you? A. Most of them; yes.

Q. Did they have the money in their hand, and offer it to you? A. No, but I'm sure they had it in their pockets.

Q. Did they sign a card? A. No.

[375] Q. Did they want to sign a card? A. Most of them; yes.

Q. What did you tell them when they asked to sign a card? A. That at that time we wasn't accepting any contributions from them.

Q. You say from them; from the twelve to twenty? A. That's correct.

Q. Now then, from the others on the job, that would be thirty to thirty-eight, you were accepting contributions at that time? Why were you accepting from these thirty-eight and not accepting from the others? A. These had all been people that had worked for me before on other jobs, and in most cases some of them for years, I imagine.

Q. Sir, the twelve to twenty, were those members of the Jefferson City local? A. They were.

Q. And there was a jurisdictional dispute going on at that time between— A. Yes.

Q. —between that local and your local? A. Yes.

Q. And there was quite a bit of dispute about whether [376] their members would pay into this Fund or not, was there not? A. Dispute from who?

Q. Between the locals, between the business agents of the Jefferson City Local and the St. Louis Local? A. I don't think there was any dispute between them.

Q. Now, sir, at any other time in the ten or more years that you have been collecting this money, have you ever

been told to not accept a contribution? A. Yes, in some cases, I would say through the years; yes.

Q. Can you recall any others when you were told not to accept a contribution? A. Not lately in the last year or two, I can't recall any instances.

Q. Well, at any time? A. Yes.

Q. Name another time besides the Jefferson City job. A. Well, prior to the Jefferson City jobs, there was people that they didn't accept dues from. I think that in some cases they may have objected to somebody in the hall, and then just didn't collect any dues off of them—not dues, but assessments, or contributions.

Q. Oh. Well, now what are you talking about, dues, assessments or contributions, Mr. Gissing? A. If you are talking what money that I gathered up, [377] collected, or whatever you want to say, that's contributions to the Political Fund.

Q. It is easy to get it confused with dues and assessments, isn't it? A. No, sir.

Mr. Daly: I object to that, Your Honor; argumentative.

Mr. Riddle: I will withdraw that.

Sir, during all the time that you have been a foreman and a steward out on the job, did anybody ever refuse to sign one of those contribution cards? A. No, sir.

Q. On these contribution cards, does it spell out how much the man is going to contribute? A. I would have to look at the card. We don't pay that much attention to those cards. I don't know. I'd have to look at the card to tell you.

Q. All right. Well, what is the purpose of the card? A. To contribute some money to the political and welfare and educational program.

Q. Well, is the purpose of the card to say how much I agree to contribute? A. I couldn't answer that.

Q. Sir, does the card contain the formula or the amount [378] that each member would contribute? Does it say \$1.00 per 8-hour day; or \$2.00 for an 8-hour day? A. I'm sorry, I don't remember whether it does or not. I'd have to look at the card. I don't know what it does or does not.

Q. When you start making your checkoff list, these cards we have, it says, the ones we have looked at, goes down the list and the out-of-towners pay \$10.00. Now, do you have to go to that out-of-towner's card to see if he authorized you to charge him \$10.00 for that week, or \$2.00 a day? A. They bring the money to me and tell me how much they owe, or want to contribute.

Q. I see. I see. Which you do mean, owe or contribute? A. I don't know. I'm not that well versed. I would say contribute.

Q. All right, sir.

The Government has nothing further, Your Honor.

The Court: All right.

Mr. Daly: No recross-examination.

Mr. Randall: We have nothing.

Mr. Nangle: Nothing.

The Court: All right. You may be excused.

(Witness excused.)

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The Court: Let the record show that there was no [379] request by the defense counsel for the last witness's statement.

Mr. Riddle: We have no statement from Mr. Gissing, Your Honor.

The Court: I just wanted the record to show they didn't ask for it.

Mr. Riddle: All right.

**THOMAS J. WILLIAMS,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, would you state your full name for the Court and jury, please? A. Thomas J. Williams.

Q. Sir, are you a member of Pipefitters Local 562? A. Yes, sir.

Q. Are you presently a foreman? A. Yes, sir.

Q. How long have you been a foreman? A. You mean on this job?

Q. Well, last ten years or so? A. Oh, I'd say the last twenty, thirty years.

Q. All right. Sir, directing your—By the way, what job are you working on now? [380] A. Union Electric, Labadie, Missouri, powerhouse job.

Q. Mr. Williams, directing your attention to January of 19 and 63, to refresh your recollection, I believe the records indicate that you were foreman at the Veterans Hospital job here in St. Louis? A. Yes, sir.

Q. Now, in addition to being foreman, were you union steward? A. Acting steward and superintendent; yes.

Q. All right, sir. Sir, in January of 1963, did you receive some forms or some papers from anyone with respect to or in connection with your use in collecting certain monies from people working on your job? A. Some Voluntary Funds received.

Q. All right, sir. Now, who did you get them from?  
A. Let's see. I think I got them from one of the business agents.

Q. All right. Sir, do you recall who it was? A. I don't know whether it was Dan Long or Dan Looney, I think.

Q. Dan Long or Dan Looney? A. Yes.

Q. Were both of those men business agents for Local 562? A. Yes, sir.

[381] Q. Where did you get these Voluntary Fund forms?  
A. When I went out to the hall with the assessment money, they give me these Voluntary Fund cards, and I brought them back to the job.

Q. All right. Now, this was in January of 1963? A. As I remember, yes.

Q. All right. You say you went in to the union hall?  
A. Yes, sir.

Q. All right. And you went in there with assessment money, did you say? A. Yes, sir.

Q. And where had you collected this assessment money?  
A. On the job.

Q. All right. And from whom? A. From the different fitters.

Q. Who were working under you? A. Yes, sir.

Q. Now, this assessment money that you had, was it in cash or checks? A. Cash.

Q. All right. This is what you had collected for the last week of December, was it? A. Yes; every Monday.

Q. Now then, at that time were you collecting both for [382] the Fund and for the union assessments and dues? A. Let's see. It seems to me we were.

Q. All right, sir. You brought all your money at that time? All the money that you collected? A. Yes, sir.

Q. Whom did you give it to? A. To Dan Looney.

Q. All right. That's money for the political purpose and for the regular dues and all? A. I believe that's right.

Q. All right, sir. Now, was there a change in the Political Fund assessment about January 1 of 1963?

Mr. Randall: Your Honor, that assumes something, he's not testified to political fund assessments. He's talking about the assessment fund dues, which at that time—

The Court: Well, I think the witness will know what he is talking about.

The Witness: Will you repeat that?

Q. (By Mr. Riddle) Yes. Was there a change in the assessment, or dues, or contributions into the Political Fund in about January of 1963? A. Was there a change?

Q. Yes. Was there an increase, decrease? A. I think we decreased the dues, and then it was [383] strictly the Voluntary Fund then.

Q. All right. And how much was the Voluntary Fund? Do you recall? A. I think it was a dollar a day.

Q. A dollar a day. Sir, I will have this marked as Government's exhibit.

(Thereupon Government's Exhibit No. 85 was marked by the reporter for the purpose of identification.)

Q. I show you what's been marked Government's Exhibit No. 85, and ask you to examine that and see if that refreshes your recollection as to what the Political Fund assessment, or dues, or contributions was at that time?

A. It was 75 cents a day.

Q. It was 75 cents a day? For what period? A. Well, that was for—let's see.

Q. To refresh your recollection, it says for the weekly report ending January 6, 1963. A. Um hmm.

(Thereupon Government's Exhibits Nos. 86 and 87 were marked by the reporter for the purpose of identification.)

A. These are probably 50 cents a day, wouldn't it?

Q. All right. Sir, let me show you what's been marked Government's Exhibit No. 87, for the pay period ending January 13, 19 and 63. Was that prepared by you?

[384] A. Yes, sir.

Q. All right. And what was the rate at that time?

A. It looks like this was a dollar a day here.

Q. A dollar a day on January 13, 1963? A. Yes, sir.

Q. All right. A. Just one week later, wasn't it?

Q. Yes. Well, now, does this refresh your recollection as to when the increase went in, or if there was an increase in the political assessment or fund? A. Right now I am just a little stumped on that one.

Q. All right, sir. It looks like an error there, don't it? Three and a half for thirty-two hours? Well, that may be confusing to you. The one on January 13th shows you had twenty people in your crew, and each one paid \$5.00?

A. Yes, sir.

Q. And each one worked forty hours that week? A. Forty hours that week.

Q. All right, sir. And nobody missed? A. No, sir.

Q. Now, sir, do you remember a man who was working on your job down there by the name of Menke, G. Menke, who was an apprentice? A. What date was that?

[385] Q. That was in February of 1963. A. I sure don't recall that name.

Q. All right, sir. Well, sir, was an apprentice excused from paying the Voluntary Political Fund money? A. As I remember, the apprentices were excused.

Q. They didn't have to pay the Political Fund? A. No.

Q. When you filled out your sheet on an apprentice, did you show that he was an apprentice? A. Have I got it there?

(Thereupon Government's Exhibit No. 88 was marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked Government's Exhibit No. 88, and ask you to examine it, and tell the Court and jury if that is in your handwriting? A. That is in my handwriting.

Q. All right. And do you show an employee or person on your crew by the name of Menke? A. Menke, apprentice.

Q. Apprentice? A. Yes, sir.

Q. Is the "apprentice" in your handwriting? A. Yes, sir.

Q. And you show no pay? [386] A. No pay.

Q. All right. Sir, from whom did you get your instructions to not charge apprentices? You say they were exempt. Who told you they were exempt? A. Well, I think I got that information from the hall.

Q. Do you remember who at the hall? A. I can't remember whether it was Steska or Mr. Looney.

Q. Mr. Steska? A. Steska or Looney.

Q. Steska or Looney. And they told you not to charge apprentices to the Voluntary Fund? A. I'm sure that's the way it was.

Q. All right. Now, sir, otherwise on this job down at Veterans Hospital, was anybody else exempt from paying? A. I believe at one time I had a Weis working for me.

Q. All right. Sir, was his name W. Weis? A. Bill Weis.

Q. And he was on your crew? A. Yes, sir.

Q. All right. And did you charge Bill Weis any political assessment or dues? A. No, sir.

Q. All right. Was he exempt? A. He was exempt.

[387] Q. All right. Who exempted him? A. I think he was on a permit, and I'm sure it was Ed Steska told me not to charge him any, because—the job was supposed to be temporary and—Can I go to a story on this?

Q. Yes, go ahead. A. His father had been operated on, and he had a serious operation, and he was out of work for quite a while, and the business agent was trying to help the family out by putting the son to work, and he worked as a fitter, and it was understood he was going to be temporary and there would be no assessment charged.

Q. None of this Voluntary Fund assessment? A. No.

Q. You were told by Mr. Steska to not charge him? A. I'm sure it was Ed; yes.

Q. All right. Then did you fill out a sheet on him; on Mr. Weis? A. I don't recall if I did or not. I believe I did, to show all men on the payroll.

Q. All right, sir. Did you include all men on the payroll on the sheets that you turned in to the company—I mean to the union hall? A. Yes, sir.

[388] Q. And you showed on these sheets how much they paid? A. Yes, sir.

Q. All right. And if a person didn't pay, like Mr. Weis or Weis, you showed that on there? A. Yes, sir.

(Thereupon Government's Exhibits Nos. 89, 89-A, 89-B, 89-C, 89-D, 89-E, 89-F, 89-G, 89-H, 89-I, 89-J, 89-K, 89-L, and 89-M, were marked by the reporter for the purpose of identification.)

Q. I now hand you what's been marked Government's Exhibits 89 and 89-A through 89-M, and ask you to examine that exhibit and the attachments. A. What did you want to know here?

Q. I want to know if you prepared them, sir? A. These particular sheets?

Q. Yes. A. No, I don't think I—

Q. You are referring to 89-C? A. Yes, because I never had any typewriter.

Q. You never prepared that one. All right, sir. Examine the rest of them. A. I can't say that I—

Q. All right. 89-D, you didn't prepare it. All right. [389] sir. A. No, sir, I didn't.

Q. 89-E you didn't prepare? A. (Indicating no.)

Q. All right, sir. A. I'd say none of these; no, sir.

Q. You haven't prepared any of these? A. No, sir.

Q. All right, sir. Now, do these purport to show the work of pipefitters which is on the Pipefitters Voluntary Fund, with you as foreman? A. Would you—

Q. Well, do these forms here purport—

Mr. London: Your Honor, may I inquire? He refers to these forms. Those that have been prepared by the witness, or those that have not? May we have a clarification?

Mr. Riddle: I will withdraw that question.

Q. (By Mr. Riddle) Sir, in showing you Government's Exhibits 89 and 89-A through 89-M, sir, it is your testimony that you did not prepare any of these yourself? A. No, sir, I never prepared them.

Q. All right. Now, the fellow by the name of W. Weis, this is the one you referred to as Bill Weis? A. Yes, sir.

[390] Q. Sir, do you know a man by the name of Herman Novack? Do you remember him? A. No, sir.

Q. Or Cliff Davenport? A. I don't remember any Davenport.

Q. All right. Or Norman Todd? A. I can't recall any of those names.

Q. All right, sir. Sir, how long did this Bill Weis work down at the Jefferson Bank job? A. Several months. I can't recall just when—I think he stayed on pretty close to the end of the job.

Q. But you never collected anything from him at any time? A. No, sir.

Q. Was anybody else exempt, other than he and the apprentice Menke? A. No, sir.

Q. Sir, how long did the rate of assessment for the Voluntary Political Fund stay at a dollar a day? A. I just can't remember that date.

Q. All right, sir. Well, do you remember when it was changed up or down? A. It was changed down.

Q. All right. [391]—A. And I can't remember that date when it was changed. It seems to me—I am at a loss for that date. I can't remember it.

Q. Well, whenever it was changed down, do you remember the amount of change? How much of a decrease was it? A. I think it went in half.

Q. Half, to 50 cents a day? A. Fifty cents a day.

Q. How did you hear of the decrease? A. There had been a meeting, I think, and some fellows told me that the assessments were to be 50 cents, and I just started making them out at 50 cents.

Q. So you started collecting assessments at 50 cents? A. Yes, sir.

Q. Who were the fellows that told you that the Political assessments had been reduced to the 50 cents? A. I think fellows working on the job. I can't recall their name, but there had been a meeting, I think. It was decided at the meeting to reduce it to 50 cents.

Q. These people that you were talking to that told you about this reduction are the people who were working for you and under you? A. Yes, sir.

Q. All right. Pursuant to that, you just decreased the [392] amount of your collections? A. Yes, sir.

Q. All right. Did you call the hall, or anybody, to see, to verify this reduction? A. I don't recall calling the hall for that reduction; no, sir.

Q. All right, sir. Now, sir, back before it was a dollar a day, do you remember getting any word that it had been increased from the previous level up to a dollar a day? Do you remember getting any word on that? A. Did that happen in '63?

Q. Yes, I believe so. A. Well, it seems to me I called the hall on one of those dates, and I can't remember when it was, to have it confirmed that it was a dollar a day.

Q. Who did you talk to at the hall to confirm it? A. I think, then again, it was Looney or Steska.

Q. Either Mr. Long—— A. Long or——

Q. Steska? A. Steska.

Q. What did they tell you? A. It was a dollar a day.

Q. All right, sir. Did you tell the boys what the new [393] assessment was then? A. Yes, sir.

Q. All right. Did they—— A. In fact they all knew it. I think that was voted on at a meeting, and they all knew it, and I only called to have it confirmed.

Q. All right, sir. You began collecting that, and filling out these forms each week? A. Yes, sir.

Q. When the boys came back and told you that the political assessment had been raised from 50 cents up to a dollar, did they say anything at that time? A. No. I can't recall one fellow saying anything about it.

Q. Did they appear to be happy or unhappy? A. Well, they just said if that is what it is, OK, we will pay a dollar.

Q. All right. Did they appear to be happy? A. Well, there wasn't any of them dishappy about it, or any grumbling about it. None of them said anything.

Q. All right. What was their attitude when they found out it was going to be decreased from a dollar back to 50 cents? A. Well, they just took it with the same smile.

Q. I see. Excuse me a second, Your Honor.

Sir, do you recall anybody on your job down at [394] Veterans Hospital that lasted for over a year, that refused to pay? A. No, sir, I never had anyone on my job refuse to pay.

Q. All right. Did they all pay? A. Yes, sir.

Q. Now, how did you handle the collection? Did you go to them, or did they come to you? A. Well, every Monday morning they would come in the office and give me their money. If they worked four days, I collected four days, or five days, I collected five days. They all knew what they owed.

Q. I see. Now, at the time they came into the office, did any of them, did you have to remind them that they owed you? A. No, sir.

Q. You didn't have to remind them? A. No.

Q. Did any of them ever get behind? A. Well, on several occasions a fellow might say he was short, "I'll see you next week," and that's the way I made out the report.

Q. You showed on the report that he owes? A. Yes, sir, or that he didn't pay, see.

Q. Yes, sir. Sir, I noticed that in your testimony you referred to this political contribution as an assessment. [395] Do you refer to it as an assessment in your reports that you send in to the Local? A. No, sir. It was Voluntary Fund. It was wrote out on top of the form, "Voluntary Fund."

Q. Now, sir, I'll ask you the same question I asked some of the other witnesses. Do you pay your union dues or assessments voluntarily? A. Well, that is deducted from our check. It that what you mean?

Q. Yes. A. Yes, sir.

Q. And you pay this fund voluntarily also? A. Yes, sir.

Q. Sir, did you ever attend a meeting of a committee or Board of Directors of this Pipefitters Voluntary Fund?

A. No, sir.

Q. Did anybody ever consult you about what candidates, or what use would be made of this money? A. No, sir.

Q. Anybody ever tell you how the money was being spent? A. Well, no, sir. I didn't ask, and nobody told me anything.

Q. Did anybody ever make an accounting to you, or anybody else, as far as you know, of how the funds were [396] being used? A. No, sir.

Q. Do you know how much went into the Fund over a 4-year period? A. I do not know; no.

Mr. Riddle: Just a second, Your Honor. I may be through with this witness.

I believe I have nothing further to ask this witness at this time.

Mr. Randall: I'd like to examine.

### **Cross-Examination.**

By Mr. Randall:

Q. Mr. Williams, you have been a foreman and superintendent on various jobs, pipefitter jobs, for some long period of time, haven't you? A. Yes, sir.

Q. And you have not, except on a few occasions, acted as the steward on the job, if I understand it right? A. Other than a superintendent?

Q. Yes. A. No, sir.

Q. And was it only when you were acting as the steward on the job that you took these contributions to the Voluntary Fund, or was it at other times too? How long a period did you [397] take the contributions? A. How long a period?

Q. Yes. A. Until there was a steward appointed on my job.

Q. Only when you had a vacancy in the steward's job?

A. Yes, sir.

Q. Now, as a foreman or superintendent, it is your responsibility to run the job, isn't that correct, sir? A. Yes, sir.

Q. And it is the steward's responsibility to handle jurisdictional or union disputes, and things of that nature; isn't that right, sir? A. Yes, sir.

Q. Now, Mr. Williams, have you always contributed to the Voluntary Fund? A. Yes, sir.

Q. Did you sign one of these cards, Voluntary Contribution Agreements? A. Yes, sir.

Q. And in that— You read it, I suppose? A. Yes, sir.

Q. And you knew that it was purely voluntary? A. Right.

Q. And that you could quit at any time? [398] A. Yes, sir.

Q. Now, did you ever, as a foreman or a superintendent, did you ever place any pressure of any kind upon any man to contribute to the Voluntary Fund? A. No, sir.

Q. Now, Mr. Williams, did you attend the meetings of the members of the Voluntary Fund down at the Electricians' hall, that were held on Sunday? A. No.

Q. You never attended those meetings? A. No, sir.

Q. So during this brief period of time that you accepted these contributions, the men who had attended those meetings came back and told you what the members of the Fund had decided to do about increasing or decreasing their contributions? A. Yes, sir.

Q. In other words, you got your information mostly from people who were working under you, and who desired to continue the contributions agreed upon by the general group? A. Yes, sir.

Q. And that was the Fund itself? A. That's right.

Q. Now, I notice Mr. Riddle, in questioning you, used [399] such terms as "Did you charge." Did you ever charge anybody for Voluntary Fund contributions, in that language? A. No, sir.

Q. And that was his language, and not yours? Isn't that correct? A. If they were charged with me, yes.

Q. Did you tell anybody they had to pay? A. No.

Q. And they came to you on Monday morning and told you how much they wanted to give you? A. Yes, sir.

Q. The only thing was that you used a uniform—they made a uniform type of contribution? A. That's right.

Q. Which had been agreed upon at the meetings of the members of the Voluntary Fund? A. That's right.

Q. When you used, or Mr. Riddle used, in questioning you, the term "assessments," you meant by that the amount that had been agreed upon by the meetings of the members of the Voluntary Fund? A. Voluntary; yes, sir.

Q. And you say, when you used the word "exempt" or Mr. Riddle used it in questioning you about a man named [400] Bill Weis, by that you meant, did you not, sir, that Mr. Steska told you not to accept anything for the Fund because of the hardship in his family? A. Yes, sir.

Q. Now, did anybody, at any time, from the Local 562, Mr. Callanan, Mr. Lawler, and Mr. Seaton over there, tell you to put any pressure on any man, at any time, to require him to make contributions to the Voluntary Fund? A. No, sir.

Q. And did you ever do that, sir? A. No, sir.

Q. And were your contributions to the Voluntary Fund voluntary? A. Yes, sir.

Q. Did anyone ever put any pressure upon you to contribute to the Voluntary Fund? A. No, sir.

Q. Did you desire to contribute to the Voluntary Fund?

A. Yes, sir.

Q. Do you still contribute to the Voluntary Fund? A. Yes, sir.

Q. And do you still desire to contribute to the Voluntary Fund? A. Yes, sir.

[401] Q. Sir, were you aware—you say you never did attend the meetings of the Political Fund? A. No, sir.

Q. Were you invited to those meetings? Weren't you sent notices of the meetings? A. No, sir.

Q. You don't receive notices? A. (Indicating no.)

Q. Well, in your work as a superintendent, and in your functions with the Union, were you ever aware of the people that the group was trying to support? Any of the candidates? A. At different times I was; yes.

Q. Well, you knew some of the people they were supporting? A. Yes, sir.

Q. Did you know whether or not they were generally supporting Republicans or Democrats? A. Well, offhand I don't remember whether—they were both parties.

Q. There were some of both parties, you think? A. I am pretty sure there were.

Q. Well, sir, let me ask you this. What is your politics? A. Democrat.

Q. You are a Democrat, and I assume by that, that you were generally in favor of supporting the Democratic candidates? [402] A. Yes, sir.

Q. Now, you say that during this brief period of time that you made these collections, everybody on your job came to you and offered you the amount that had been determined by the meeting of the Voluntary Fund for contributions. Everybody did that; is that correct? A. Yes, sir.

Q. Did you ever have to hunt them up? A. No, no.

Q. Did you ever run them down anywhere? A. No, sir.

Q. Did you ever hear of anybody being fired for not making those contributions? A. No, sir.

Q. Or discriminated against in any way, so far as over-time? A. No, sir.

Mr. Randall: I believe that's all, Your Honor.

### **Redirect Examination**

By Mr. Riddle:

Q. Mr. Williams, these out-of-towners that paid \$10.00 a week to you day in and day out, do you think they did that completely and totally voluntarily?

Mr. London: I object to the question, Your Honor.

[403] The Court: I will sustain it as to the form of the question.

Q. (By Mr. Riddle) Sir, in your opinion, did the out-of-towners who paid \$10.00 a week, pay that to you voluntarily?

Mr. London: Renew the objection, Your Honor. He is asking for opinions and conclusions.

The Court: I think it is asking for a conclusion, a mental conclusion of this party's witness.

Mr. Riddle: All right.

The Court: It would be an invasion of the province of the jury.

Mr. Riddle: All right. I will withdraw that.

Q. (By Mr. Riddle) Sir, you testified that you don't know of anybody that never paid into the Fund? A. Not on my job. I've heard of men on other jobs that never paid; yes, sir.

Q. Do you know what happened to the other men on the other jobs that never paid? A. They are all working.

They are all old members of the Local, and I know quite a few of them.

Q. You do? A. (Indicating yes.)

Q. Do you know some of them by name that haven't paid? [404] A. Well, let's see. A fellow by the name of Sanders is one, and I think Fisher. A fellow by the name of Lou Fisher. There's one or two more that I know. I just can't think of their names. Charlie Carpenter.

Q. Sir, have you ever wondered what might happen to your job as foreman or steward if you didn't pay?

Mr. Randall: Your Honor, I am going to object to what he might have wondered, unless he has some—

Mr. Riddle: This goes to the issue here that was brought out on cross-examination.

The Court: All right. I think he may answer the question.

The Witness: What would happen to me in the superintendent capacity?

Q. (By Mr. Riddle) Yes. If you refused to pay, have you ever wondered about that? A. I think I'd still be a general foreman, or foreman. I have been that for the last, oh, thirty-five, forty years.

Q. You never took a chance on it though, did you? A. No, sir.

Mr. London: I will object to it as argumentative.

The Court: You are arguing.

Mr. Riddle: I have nothing further.

The Court: Any cross?

[405] Mr. Randall: Nothing more.

Mr. London: No, sir.

The Court: All right. You may step down.

(Witness excused.)

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The Court: Have you got a ten-minute witness?

Mr. Riddle: I don't believe that we have a ten-minute witness.

The Court: All right. Members of the Jury, bear in mind the admonition I have given you heretofore, and I have this other matter, and I will try to get through with it in about fifteen minutes, so if you will get here about 9:15, just go to your jury room. All right. Goodnight.

Mr. Daly: What time are we due back?

The Court: Obviously you are not involved in the other case, so you won't have to be here until after 9:15.

(Thereupon at 4:50 p. m., on Wednesday, September 4, 1968, court was adjourned until 9:15 a. m., Thursday morning.)

Thursday, September 5, 1968

Morning Session

(9:45 a. m.)

The Court: Call your next witness.

**WILLIAM W. COPELAND,**

being first duly sworn, testified in behalf of the Government [406] as follows:

**Direct Examination**

By Mr. Riddle:

Q. Sir, would you state your full name for the Court and jury? A. William Winston Copeland.

Q. Where do you live, sir? A. Desloge, Missouri.

The Court: How do you spell that last name?

The Witness: C-o-p-e-l-a-n-d.

Q. (By Mr. Riddle) How old are you? A. Thirty-one.

Q. Mr. Copeland, are you a member at this time of any pipefitters local? A. Local 318, Plumbers and Pipefitters, Cape Girardeau, Missouri.

Q. How long have you been a member of that local? A. Since November, '59.

Q. Sir, have you, since 619 and 59, had occasion to work on a job under the jurisdiction of Pipefitters Local 562? A. Yes, sir.

Q. And when was your first job with that Local? A. 1963.

Q. And what job, or what plant, or what construction [407] project was that on? A. It was for Bechtel Corporation, at the Hercules Powder Plant at Louisiana, Missouri.

Q. When did you go to work on that job? A. On or near the 30th day of December, '62.

Q. Now, do you recall who your foreman was on that job? A. No, sir.

Q. Now, in preparation for going to work, will you tell the Court and jury what you did, who did you talk to, and who did you see? A. In order to obtain work?

Q. Yes. A. I went to the hall, 562 office here in St. Louis, seeking employment, and I spoke with Mr. Ed Steska, who sent me to the powder plant.

Q. All right, sir. When you arrived at the powder plant, who did you report to there? A. Dick Sullivan, who was piping superintendent.

Q. Dick Sullivan. You say he was—— A. He was the piping superintendent; yes.

Q. All right. Now, did he have a position with the Union? Was he a member of Local 562? A. To my knowledge, he was a member; yes.

Q. All right. Now, did he put you to work? Mr. Sullivan? [408] A. Not directly. I was assigned to a crew, and went to work under the direction of the foreman.

Q. All right. Do you recall the foreman's name? A. No, I don't.

Q. Sir, are you familiar with what has been referred to as a voluntary card? Voluntary Contribution Card? A. Yes, sir.

Q. Was one given to you when you went to work at the powder plant in Louisiana? A. Yes, sir.

Q. When, with respect to the time that you arrived, was it given to you, if you recall? A. I don't recall if it was given to me the first day, but it was given to me within two or three days after reaching—

Q. Do you recall who gave it to you? A. No, I don't; not exactly.

Q. Did you sign the card? A. Yes, sir.

Q. All right. Did you know what it was? A. Yes, sir.

Q. What was your understanding of what it was? A. That it was to be a voluntary donation for the Pipefitters Political Fund.

Q. All right, sir. You signed it? [409] A. Yes, sir.

Q. Did you give it back to someone? A. Yes, sir.

Q. All right, sir. Then after you were on the job, and after you had signed the card, did you hand in any money pursuant to this card, or to the Political Fund? A. Well, it was customary that the money be collected each Monday morning as you reported to work, and that was the normal procedure. You paid your assessments then.

Q. You paid your what? A. You paid your assessments.

Q. Did you refer to it as an assessment? Did you? At that time? A. Did I refer to anyone that it was an assessment?

Q. No. That the money you paid was an assessment? A. Well, the foreman, he may come up and say, "Have you got your assessments this morning?" That was just general knowledge, it was an assessment.

Q. All right. And what was the assessment for this Fund the first time you paid it, if you recall? A. A dollar and fifty cents.

Q. For what? For what period of time? For the day, or for the hour, or— A. You paid \$1.50 for each day that you worked at the [410] straight time rate. If you worked any overtime, you paid an additional rate equivalent to the time that you worked.

Q. All right. Sir, how long did you work at the plant at Louisiana? A. Till the latter part of March, or early April.

Q. Now then, throughout that period of time, did you pay this assessment each Monday morning. A. Yes, I did.

Q. And who did you pay it to? A. To the foreman.

Q. Sir, did you pay him in cash or by check? A. Cash.

Q. All right, sir. Now, where on the job did you make these payments? A. Well, it may be anywhere in the general area where you were working, but normally each crew had its own particular gang boss or area that it was working in, and it was usually in this area that the foreman collected the assessments.

Q. All right, sir. Now then, after you left the job at Louisiana, did you work on another job for 562? A. Yes, sir. At Farmington State Hospital.

Q. All right, sir. Do you recall the name of that company? A. Shure-Richardson & Company.

[411] Q. All right, sir. And how long did you work there?  
A. I think I worked there until about the 1st of May.

Q. Of 1963? A. Yes, sir.

Q. All right, sir. A. Did I say May?

Q. Yes. A. I think it was the 1st of June; whenever the strike was called by 562 against the Mechanical Contractors Association.

Q. All right, sir. Now, do you recall who your foreman was on that job? A. Silas Kunrohd.

Q. Kunrohd? A. Yes, sir.

Q. Is that K-u-n-r-o-h-d? A. I don't know, sir.

Q. Now, did you make payments to the Fund during that period of time? A. Well, I made payments to him. I don't know where it went.

Q. You made payments to Mr. Kunrohd, who was the foreman? A. Yes.

Q. In the same amount? A. Yes, sir.

[412] Q. Same rate? That is, 50 cents per day? A. Yes, sir.

Q. Per 8-hour day? A. Yes, sir.

Q. Sir, suppose you worked more than eight hours. Would the rate still be \$1.50, or would it be greater? A. Well, I only had one occasion to work any overtime, and that was at the Hercules Powder Plant. I worked one Saturday, as I recall, and I did work overtime a few evenings, and I don't remember exactly what the rate was for those various hours of the evening, but on a Saturday it was a \$3.00 assessment.

Q. In addition, just \$3.00 instead of a dollar and a half?  
A. Yes, sir.

Q. All right. Now, how long did you stay at the job at Farmington?—

The Court: He said until June, 1963.

Q. Until June, 1963? Pardon me. And where did you work next? A. I went to California, Missouri, and worked out of the Jefferson City local.

Q. That's Pipefitters local in Jefferson City? A. Yes, sir.

[413] Q. Did you pay any voluntary contributions at that time to the Fund, Political Fund? To the Jefferson City local? A. Well, they don't have a Political Fund, to my knowledge. I didn't pay anything; no.

Q. How long did you work for them down on that job? A. I was there about six weeks, as I recall; six to eight weeks.

Q. All right. And after the job for the Jefferson City local, where did you go next? A. I received a call from Business Agent R. G. Davis of Cape Girardeau local, that I was to report for Murphy & Company here in St. Louis, and we worked in an office building, which I believe was on Manchester.

Q. Was that under the jurisdiction of Local 562? A. Yes, sir.

Q. All right. When you worked on this job here on Manchester, did you make your assessments, these political assessments? A. Yes, sir.

Q. And to whom? A. To the foreman.

Q. Each Monday morning? A. Yes, sir.

Q. And after you left that job, where did you go? [414] A. I was transferred by the same company to Anheuser-Busch.

Q. Do you remember about the time of that transfer? A. It was in August.

Q. Of 1963? A. It was probably the latter part of August, I would say.

Q. All right, sir. Now, do you recall who your foreman was on that job down at Anheuser-Busch? A. No, I don't.

Q. Did you make your payments each month on that job? A. Yes, sir.

Q. And to whom? A. To the steward on that job.

Q. To the steward. You don't recall his name? A. No.

Q. Was it in the same amount? That is, \$1.50 a day? A. Yes, sir.

Q. All right. Now, sir, while you were working for this company at Anheuser-Busch, was there an increase in these dues or assessments for political purposes? A. There was an increase in the assessment; yes.

Q. All right. And tell the Court and jury how you found out about that? A. Well, we were working, installing water line, the [415] crew that I worked in, and the foreman approached, there was another fellow there, a fellow by the name of Jim Scaggs. He, too, was out of Local 318.

Q. From Cape Girardeau? A. Yes, sir. And the foreman approaches us on Tuesday morning, as I recall, and said, "Fellows, I have got bad news for you."

Mr. London: I will object to this, Your Honor; hearsay.

The Court: Sustained.

Mr. London: Ask it be stricken.

The Court: It will be stricken.

Q. (By Mr. Riddle) Sir, is this the person who was collecting the dues theretofore?

Mr. Daly: Your Honor, I am going to object to this. I don't think the witness has used that terminology. It is Mr. Riddle's terminology.

The Court: I will sustain it as to the word "dues."

Q. (By Mr. Riddle) Was this the person that was collecting the money from you theretofore? A. The gentleman that told me they were being increased?

Q. Yes. A. No. The steward collected the money.

Q. All right. Well, on this occasion I take it that you [416] did find out that dues were being increased, or that payments were being increased? A. Yes, sir.

Q. All right. Did you find out how much of an increase? A. Fifty cents a day.

Q. All right, sir. That would be from \$1.50 up to \$2.00 a day? A. Yes, sir.

Q. All right. Then did you have a discussion with the steward about this increase? A. No discussion about the increase, but when we were supposed to, as I recall, we were supposed to have paid \$2.50 additional to the assessments that were collected to the previous week. This money was to have been paid on Wednesday morning. On arriving at the job, Mr. Scaggs made out a check to the steward for his assessments, at which time the steward asked me if I wanted to pay mine, and I said, "No, I don't have the money." And he said, "Well, how about me loaning it to you, and you can give it back to me pay-day?"

And I said, "No. If I pay this, I will be paying \$80.00 a month in union dues." And he said, "Well, we all have to pay it," and I said, "Well, I don't have to."

Q. What else, if anything, was said during that conversation? [417] A. Nothing.

Q. What day of the week was this? A. Wednesday.

Q. Did you work the next day? A. Yes, sir.

Q. Now, at that time, where were you living? A. In Desloge, Missouri.

Q. How were you getting to and from your job? A. We drove back and forth each day.

Q. All right. Who was riding with you? A. Jim Scaggs.

Q. This same Jim Scaggs who paid his increase by check? A. Yes, sir.

Q. All right. So you worked on a Thursday? A. Yes, sir.

Q. All right. Were you asked to pay your money on Thursday? A. No, sir.

Q. Did you work this Friday, the next Friday then? A. Yes, sir.

Q. Then what happened on that day? A. On a Thursday, we go back to a Thursday, there was a rumor that there would be a layoff.

Mr. London: I object to rumors, Your Honor. That [418] would be hearsay.

The Court: All right. It will be sustained.

Mr. Riddle: Don't tell me about rumors.

The Witness: On Friday I was laid off.

Q. (By Mr. Riddle) All right. What about Mr. Scaggs? A. He also was laid off.

Q. Now then, did you go back to work for Local 562 thereafter? A. No, sir.

Q. Did Mr. Scaggs? A. Yes, sir.

Q. What job? A. He went to the Pea Ridge Pellet Plant at Sullivan, Missouri.

Q. On a 562 job? A. Yes, sir.

Q. Now, following your layoff on this Friday—well, strike that, if you would.

Were you given any reason for your being laid off? A. No, sir.

Q. Who told you you were laid off? A. The foreman just handed me—it is customary on a layoff that you receive two checks on a Friday evening. On a Friday evening I received my two checks.

[419] Q. And you got them from the foreman? A. Yes, sir.

Q. Did he say anything about why you were being laid off? A. No, sir.

Q. Did you try to get employment on a 562 job or project thereafter? A. Following this layoff, I filed charges against Local 562 on a dismissal at the job at Farmington, Missouri. My brother had already filed charges. Sometime shortly afterwards we were informed by our business manager of Local 318—

Mr. Daly: Your Honor, I will object to this. This would be hearsay.

The Court: I think that is hearsay, Mr. Riddle.

Mr. Riddle: Well, I think it is. Don't testify as to what he told you.

The question, sir, is did you make an effort to get additional employment under a 562 project? A. The only thing I did, under the advice of the NLRB—

Mr. Daly: Of course, Your Honor, this is not responsive to the question.

The Court: Answer the question. Did you attempt to go back to work for 562 is the question.

A. I did not go to the hall and ask for a job; no.

Q. (By Mr. Riddle) Did you make any other attempts [420] to go back? A. To the hall?

Q. Well, any other way to get back on a 562 job? A. I visited different contractors seeking employment, but I was unable to get a job.

Q. All right. What contractors did you go to? A. Sheehan Company.

Q. Where were they operating? A. In St. Louis.

Q. Do you know if they were under 562 project or job? A. Well, they are mechanical contractors in this area; yes.

Q. Do you know if at that time 562 was doing work for them? A. Yes.

Q. All right. In addition to Sheehan, who did you go to? A. I went to one other contractor, but I can't recall his name.

Q. All right. Were you told why you couldn't work—

Mr. London: I object to that, Your Honor; calling for hearsay.

The Court: Well, it is hearsay.

Mr. Riddle: Well, it is hearsay. I think the exception is that it goes to the point of why he couldn't get [421] back on a job, and it would be certainly relevant to prove that point. It wouldn't be hearsay in that respect.

Mr. Randall: Your Honor, if there is no connection with these defendants, the contractors can tell it, and that is the reason for not having hearsay. Whatever they say, they may have made up.

The Court: Well, I am going to sustain the objection to it.

Mr. Riddle: All right, sir.

Q. (By Mr. Riddle) Did you go to any other contractors than the two you mentioned? A. No, sir.

Q. Sir, since that time, have you ever worked on a job under the jurisdiction of 562? A. No.

Q. Sir, do you have some brothers? A. Yes, sir.

Q. How many? A. Two.

Q. What are their names? A. Clyde Copeland and Edwin L. Copeland.

Q. Are they pipefitters? A. Edwin L. Copeland is a pipefitter.

Q. Do you know if he ever worked on a 562 job? [422] A. Yes, sir.

Q. Where? A. Well, he worked at the Hercules job the same time as I did.

Q. Did he work for the Fisher Body job here in St. Louis for some period of time? A. I don't know.

Q. All right. Mr. Edward—is Mr. Edward L. Copeland now deceased, your brother? A. No, sir.

Q. Do you have another brother now deceased? A. Yes, sir.

Q. What is his name? A. Leroy Copeland.

Q. Was he a pipefitter? A. Yes.

Q. Did he work on 562 jobs? A. Yes, sir.

Q. Here in St. Louis? A. Yes, sir.

Q. Now, sir, at the time that you were told down on the Anheuser-Busch job that there was going to be an increase in dues, were you told at that time why the increase was coming about?

[423] Mr. London: I object to this, Your Honor. It calls for hearsay.

The Court: Well, I think this is hearsay too, Mr. Riddle.

Mr. Riddle: It is coming from the foreman, or from the steward, who is the representative of the union on the job, Your Honor.

The Court: Who was the person that told you of the increase?

The Witness: The foreman told me.

The Court: Who was he?

The Witness: I don't recall his name.

Mr. Randall: Your Honor, the foreman is not a representative of the union. The steward is but the foreman is not. He's just a member, like anyone else.

Mr. Riddle: Well, the foreman does the collections. He at least represents them in that respect, according to the testimony, Your Honor.

Mr. Randall: He took the contributions for the Fund, but he doesn't represent the Union.

The Court: Have you got something you want to say?

Mr. London: No. I am waiting to—

The Court: Well, of course, there's two things about this, Mr. Riddle. One, he doesn't know who he is. He says he [424] is a foreman. And I think it is—

Mr. Riddle: I will withdraw the question.

The Court: All right.

Q. (By Mr. Riddle) Sir, are you in business for yourself now? A. Yes.

Q. And where do you conduct your business? A. In or near the area of St. Francois County.

Mr. Riddle: I have no further questions.

The Court: All right. Who is going to conduct the cross-examination?

Mr. Randall: Your Honor, I wonder if we could get the grand jury testimony of this man?

Your Honor, it is forty-one pages.

Mr. Daly: How many pages?

The Court: Forty-one. Well, I guess it is going to take about ten minutes. I will give you a ten-minute recess, members of the jury. You may step down, young man.

Mr. Riddle: If it please the Court, we have another statement we will give them, and would like the record to so show.

The Court: All right. Let the record show they gave them a statement and testimony.

I want to admonish you members of the jury about not [425] discussing this case among yourselves, or not talk-

ing to any of the parties, witnesses, in the courtroom or out of the courtroom. You should form no opinions about the case until you have heard all the evidence. You should read nothing about it. And I think that a good policy for you to follow until the conclusion of this case is not to read the newspaper and not to listen to the radio or television, except when you know that a ballgame is on, or something where there is not going to be any news.

All right. Bear in mind that admonition.

We will have about a ten-minute recess.

(Following the recess, Mr. Copeland resumed the witness stand, and the further following proceedings were had before the jury:)

### **Cross-Examination.**

By Mr. Randall:

Q. Mr. Copeland, you are a member of Local 318 of Cape Girardeau; is that correct? A. Yes, sir.

Q. And you are not a member of Local 562 of St. Louis? A. No, sir.

Q. And you have never been a member of Local 562? A. No, sir.

Q. You came into the St. Louis area and went to work [426] here under the contractors who fell within the jurisdiction of Local 562, as I understand, approximately December 30, 1962? A. Yes, sir.

Q. And when you first went to work, you signed one of these voluntary cards? A. Yes, sir.

Q. Did you read the card? A. Yes, sir.

Q. And you read in the card that you could quit the contributions at any time? A. Yes, sir.

Q. Now, your second job, as I understand it, was at the Farmington State Hospital, which was also under the jurisdiction, or the contractor was under the jurisdiction of Local 562. Am I correct in that? A. Yes, sir.

Q. And 562 called a strike in June of 1963; is that correct? A. Yes, sir.

Q. Now, they did not strike against all contractors? A. No, sir.

Q. And they did not strike against the contractor at Farmington? A. No, sir.

[427] Q. And you were laid off at that time, weren't you, sir? A. Yes, sir.

Q. And you were replaced by some members of Local 562, under whose jurisdiction that contractor performed? A. Yes, sir.

Q. Then you were later employed, perhaps somewhere in between, at Anheuser-Busch; right? A. I was later employed—say that again, please.

Q. Well, you were employed down at Anheuser-Busch at one point, weren't you? A. Yes, sir.

Q. That was subsequent to your lay off down in Farmington? A. It was after my layoff at Farmington.

Q. Yes, sir, after. Now, going back to the layoff at Farmington; at the time the men were laid off at Farmington, were any members of Local 562 laid off? A. No, sir.

Q. No, sir. And then you were at Anheuser-Busch and you were laid off there too; right? A. Yes, sir.

Q. You and Mr. Scaggs? A. Yes, sir.

Q. You were both members of Local 318 of Cape Girardeau; is that correct? [428] A. Yes, sir.

Q. Were any members of Local 562 laid off at that time? A. Not to my knowledge.

Q. And then immediately after your second layoff you filed a complaint with the National Labor Relations Board concerning your first layoff down in Farmington, didn't you? A. Yes, sir.

Q. And you litigated that matter subsequent to that time, didn't you, sir? A. Pardon?

Q. And you litigated the matter, you tried the matter complaining about your layoff down in Farmington? A. Yes, sir.

Q. And you asserted that you were laid off because of the actions of Local 562, didn't you, sir? A. Yes, sir.

Q. And ever since that time you have had a strong bitterness against Local 562, haven't you, sir? A. No, sir.

Q. You have not? A. No.

Q. Have you ever asserted any strong feelings about Local 562 to anyone? [429] A. Yes, sir.

Q. You have? A. Um hmm.

Q. And when the grand jury was in session, you came forward voluntarily after reading in the newspaper that they were in session, didn't you, sir? A. Yes, sir.

Q. And asserted these strong feelings against Local 562, didn't you? A. If you call them strong feelings, yes.

Q. Well, wouldn't you call them that, sir? A. Anything else would be unnatural, I would think.

Q. All right. And so today, this very moment, you have strong feelings of bitterness toward Local 562? A. I have strong feelings to this extent. As I understand, I'm not required by law to pay to any political contributions.

Mr. Daly: I will object to this on behalf of defendant Callanan. This is not responsive to the question.

Mr. Riddle: If it please the Court, this is in answer to the question.

The Court: I think it is in answer to the question. The objection will be overruled.

Mr. London: May the defendant Seaton also join in [430] that objection, Your Honor, as well as the Union?

The Court: It will be overruled.

The Witness: I have resentment to this extent. As I understand the law, I am not required—

Mr. Daly: Your Honor, his understanding of the law, I think, would not be relevant at this time. I am going to object to it.

The Court: Be overruled.

Mr. Randall: You may go ahead, Mr.—

A. I am not required to contribute to any political contribution as a requirement or a condition of work. This is what I bitterly oppose, and I shall continue to oppose it as long as I am able to.

Q. Now, Mr. Copeland, your layoff at Farmington had absolutely nothing to do with your contributions to the Voluntary Fund, did it, sir? A. No, sir.

Q. And you are still bitter about that layoff, too, aren't you? A. To this extent. According to the jurisdiction of work awarded by the United Association, Cape Girardeau local has jurisdiction of the County of St. Francois. 562 has jurisdiction of the County of St. Francois. To my knowledge, in the past eight years I am not aware of any job that has [431] been manned by men of Local 318. There was a time when they did handle work on small jobs, but this no longer is in practice. All jurisdiction is controlled by Local 562. If you are not a member of that local, you are not entitled to the rights and benefits of those men that are. The United Association spells out that a man shall hold his membership, or should hold his membership in the local nearest his home. This isn't the policy.

Q. Well, that has nothing to do with the Voluntary Fund though, does it, sir? A. But it would show my bitterness as to why.

Q. That's right. Yes, sir. Now, when you were laid off down at Anheuser-Busch, Mr. Scaggs, who was a member of your local, was also laid off; right? A. Yes, sir.

Q. And he continued to contribute to the Voluntary Fund, didn't he, sir? A. State that again.

Q. And he continued, as I understood your testimony, he did not decline to contribute to the Voluntary Fund?

A. No.

Mr. Randall: That's all.

The Court: Anybody else?

Mr. Daly: No, Your Honor.

[432] The Court: Any redirect?

Mr. Riddle: Yes.

### **Redirect Examination.**

By Mr. Riddle:

Q. Sir, although Mr. Seaggs, your riding mate, was laid off, did he go back to work the following Monday? A. Yes.

Mr. London: I object to this, Your Honor. It is calling for hearsay, unless he was personally present.

The Court: The question was if he knows if he went back.

Q. (By Mr. Riddle) Do you know if he went back to work the following Monday? A. Yes, sir.

Q. On a 562 job? A. Yes, sir.

Q. And where was that? A. At the Pea Ridge Pellet Plant, at Viburnum, Missouri.

Q. All right, sir. Now, sir, with respect to what Mr. Randall asked you about this card that you signed, I believe he asked you if you read it? A. Yes, sir.

Q. And your answer to him on that was that you had read it. Sir, why did you sign the card at that time?

[433] Mr. Randall: Well, Your Honor, I am going to object to why he signed the card.

Mr. Riddle: Your Honor, he's opened up this area.

The Court: I think it is in relation to your cross-examination, Mr. Randall, and he may answer.

The Witness: I was afraid that I wouldn't work if I didn't.

Mr. Randall: Your Honor, I am going to ask that that question be stricken as his mental process—

The Court: No, it will be overruled.

Q. (By Mr. Riddle) Mr. Randall asked you if your bitterness stemmed from contributing to the Voluntary Political Fund. Sir, after you signed the card, why did you continue to pay until the dues were increased? A. The only reason I ever paid it was because I was afraid that if I refused, I wouldn't work, and when they increased the dues, at that time I was twenty-six years old, and I thought if I do this today at twenty-six, what will I do when I am forty?

Q. Sir, do you have any other trade or profession other than that of a pipefitter? A. After being unsuccessful to work with the fitters, I went to Missouri Barber College to become a barber, but I didn't follow it through.

[434] Q. How much formal education do you have, sir? A. High school; twelve years.

Q. All right, sir. Thank you.

The Court: Any recross, Mr. Randall?

Mr. Randall: Yes.

### **Recross-Examination.**

By Mr. Randall:

Q. Mr. Copeland, you testified on direct, didn't you, that you didn't apply for a job after you were laid off down

at Anheuser-Busch? Isn't that correct? A. I didn't go to the hall and ask for work; no.

Mr. Randall: That's all.

**Redirect Examination**

By Mr. Riddle:

Q. Sir, where did you go to ask for work then? A. Well, I asked for work at 318.

Q. At your home local? A. Yes, sir, but I was informed——

Mr. London: I will object to this, Your Honor.

The Court: It will be sustained.

Q. (By Mr. Riddle) Who is the man at 318 that you talked to? A. R. G. Davis.

Q. Is he the business manager for that local? [435] A. Yes, sir.

Mr. Riddle: All right. That's all.

Mr. Randall: That is all, Your Honor.

The Court: All right. Step down.

(Witness excused.)

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(Thereupon, Government's Exhibits Nos. 90, 91, 92, 93, 94, 95, 96, 97 and 98 were marked by the reporter for the purpose of identification.)

**JACK COLLOM,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, would you state your full name for the Court and jury, please? A. Jack Joseph Collom.

The Court: Pull it back and talk into it now, will you?

The Witness: Jack Joseph Collom, 2271 Ainsworth Drive.

Q. You are in St. Louis? A. St. Louis County.

Q. Where are you presently employed? A. Anheuser-Busch brewery.

Q. And who is your employer there? Anheuser-Busch Company? [436] A. Yes, sir.

Q. Sir, are you a member of Pipefitters Local 562? A. Yes, sir.

Q. How long have you been a member? A. Approximately twenty years.

Q. Sir, do you hold any position in the Union? A. I am a steward on the job at Anheuser-Busch brewery.

Q. All right. And what are your duties as a steward? A. Well, to try to settle any jurisdictional disputes we might have between our craft and some other on the job; any problems that might arise between our craft and the brewery itself. Also, I check the volunteer money and the assessments money for 562.

Q. All right. Sir, are you the foreman of a crew or a group of workers down there also? A. On Saturdays I act as the foreman for a group of men that would be employed in the Bevo bottle shop.

Q. All right, sir. Sir, are you the ranking union official on that job? A. Yes, sir, I would say I would be.

Q. Any member down at Anheuser-Busch, or pipefitter that wants to talk union business, you'd be the person that they'd talk to? A. Yes, sir.

[437] Q. How long have you worked down at Anheuser-Busch? A. Approximately twenty years.

Q. How long have you been a steward? A. It will be three years in November, as well as I can remember.

Q. How many people are under your jurisdiction there?

A. Oh, approximately between ninety and a hundred, I would say.

Q. Now, ninety and a hundred—between ninety and a hundred. Do you collect money from them each week?

A. Yes, sir. Sometimes they are short. I mean they don't have it. Then, why naturally they don't pay that particular week, but it is a policy every week.

Q. All right. What day of the week do you make these collections? A. Usually on Tuesday.

Q. Tuesday? Now, what collections do you make each Tuesday? A. I collect the assessments, and I collect the Volunteer.

Q. Now, the assessments, what do you mean by that?

A. Well, it is the amount that the Union 562 union is or—there is a certain amount of our pay that we voted on that would be withheld or taken from our pay for the Union [438] functions, to run our local on.

Q. These are what you would call regular and ordinary union dues? A. Yes, sir.

Q. And assessments? A. Yes, sir.

Q. Now, in your case, down at Anheuser-Busch, the company does not deduct or withhold those assessments?

A. No, sir.

Q. Your job is to collect the assessment and the dues from the men on the job? A. Yes, sir.

Q. And you do this every Tuesday? A. Unless there is a holiday, and if a holiday falls on Monday, then we usually make it on Wednesday.

Q. I see. Now, do you collect the regular dues and assessments on the same date and at the same time that you collect the money into this Political Fund? A. Yes, sir.

Q. The same people pay? A. Yes, sir.

Q. All right, sir. You have been doing this for approximately three years? A. Yes, sir.

[439] Q. Now, sir, how do you keep your records, first, with respect to the assessments? The regular union dues with assessments? A. Well, we have a book that we mark the amounts behind each man's name that he has given for that week.

Q. Now, where do you get these books? A. From the union hall.

Q. All right. Now, the so-called Political Voluntary Fund, how do you handle them? A. We have a separate book that we mark them out behind each man's name.

Q. Containing the same names and the same working hours, and so forth? A. The working hours I don't think are put in there.

Q. All right. Now, where do you get the book that you keep those records in? A. From the union hall.

Q. From the union hall. So you get the books for both the Funds from the same source? A. Yes, sir.

Q. All right. Now, sir, at the end of each week's collection, do you file any reports to the union hall? A. Yes, sir.

Q. What do you file? [440] A. I file it by a report. What I file are these sheets with these men's names.

Q. How do you get them to the union hall? A. I take them out there.

Q. All right. Do you take both sets or both sheets each week to the union hall? A. In separate envelopes; yes, sir.

Q. Separate envelopes? A. Yes, sir.

Q. Now, sir, do you receive cash for both purposes? A. Yes, sir.

Q. All right. A. And also checks, if I might add that.

Q. Some checks? A. Yes, sir.

Q. What percentage of the total amount you collect are in checks, and what percentage in cash? A. Oh, I would say between eight and fifteen checks a week.

Q. From the ninety or a hundred people? A. Yes, sir.

Q. And the rest of them are all in cash? A. Yes, sir.

Q. Cash for both purposes? [441] A. Yes, sir.

Q. All right. Sir, I will show you what has been marked Government's Exhibits Nos. 90 through 98, and ask you to examine them and tell the Court and jury what they are and what they represent, sir. A. Well, from what I can see of them, sir, they are copies of our Voluntary Fund, sheets from our Voluntary Fund book.

Q. For what period of time? Would you tell the Court and jury that? A. The first one is dated 12-25-66, and the last one is dated 9-3-67.

Mr. Riddle: Mr. Randall, did you say you wanted to see these?

(Mr. Riddle handed exhibits to Mr. Randall.)

(Thereupon Government's Exhibits Nos. 99 and 100 were marked by the reporter for the purpose of identification.)

Q. Sir, you have examined the Government's Exhibits 90 through No. 98. Were these prepared by you, and in your own handwriting? A. Not all of them, sir, are in my handwriting.

Q. Well, now who prepared the ones that aren't in your handwriting? A. Well, some of them that I have seen there I would [442] recognize as being in the handwriting of Mr. Frank Villa.

Q. Who is he? A. Frank Villa is a foreman in the Bevo pipe shop.

Q. All right, sir. Were they prepared under your direction? A. Mr. Villa has assisted me in the preparation of these at times; yes sir.

Q. The ones that he would prepare, did you turn them in to the union hall? A. Yes, sir.

Q. I see. Now, sir, in the period of time that's covered here—it appears to be from December 25, '66, through September 3, 1967—throughout that period of time, you had about ninety to one hundred men working under your jurisdiction? A. Approximately, sir.

Q. These payments were made to you each Tuesday? A. Yes, sir.

Q. Sir, during that period of time, did any person fail to pay you? A. Well, I would have to look again, but I'm sure there were weeks when men didn't have it and just skipped it; yes, sir.

Q. All right. In the instance where a man didn't have [443] it and skipped it, did you make an effort to encourage him to catch up? A. Well, what do you mean by an effort?

Q. Well, did you ask him, or remind him that he was behind and didn't pay last week? A. The only time I have ever reminded anyone about anything, and this was strictly about the assessments, would be if Mr. Burke told me to contact a particular man and tell me to have him call Mr. Burke.

Q. Who was that man? A. One of them was Mr. Looney, and there was a Mr. Porselt and a Mr. McVey. There might have been others, but offhand I can't remember exactly who.

Q. Did you talk to them? A. I conveyed the message I was given to convey to them.

Q. All right. And what was the message that you did convey to them? A. To have them call Mr. Burke.

Q. All right. Do you know if they called Mr. Burke? A. Well, I guess they did. Let's say that. I actually can't remember any conversation where the man came back and says, "I just called Mr. Burke." They told

me they would, and that was the end of my conversation about it.

Q. I see. Now, you say this was about the assessments [444] you collect that is aside or apart from the voluntary collections? A. Yes, sir.

Q. Were these same men behind on their voluntary payments? A. Yes, sir.

Q. For the same period of time that they were behind on their other dues and assessments? A. Yes, sir.

Q. Did any man, to your recollection, pay his union dues without paying his so-called voluntary dues? A. Well, I've never had any man give it to me and say, "I want to pay just my assessments." It is just a matter of practice that they would want to pay both.

Q. And, without exception, insofar as your memory recalls— A. Yes, sir.

Q. —no person ever paid you for one without paying you for the other? A. No, sir.

Q. And you made a record of it in each and every instance when a person paid, and when he failed to pay you made that record also? A. Well, we just left it blank on our forms there, on our sheets that we would turn in. If they didn't pay, we just [445] left it blank.

Q. Sir, on occasions, did you loan any money, or advance any money to any of the fellows who were short? A. No, sir.

Q. I see. Sir, for a period of time during the year of 1966, I understand that there was a project known as the Callanan Gift Fund. Do you recall that? A. Yes, sir.

Mr. London: May we approach the bench?

Mr. Randall: No, we just want to renew our objections previously made.

Mr. London: I want to approach the bench.

The Court: Do you want a record?

Mr. London: Please.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:).

Mr. London: May we, at this time, in accordance with what Mr. Randall said, renew all the objections that have heretofore been made with regard to any evidence regarding the so-called Callanan Gift Fund, and add to that objection any further evidence would be an attempt on the Government to prove a separate and distinct conspiracy which is in no way part of the indictment in this case, and which is separate and apart from the alleged conspiracy of the indictment in this case.

[446] The Court: What do you say about this?

Mr. Riddle: Our position is the same as it has been before when the Callanan Gift Fund has arisen, namely, this is being offered for the purpose of showing a continuity of collection, showing the method of collection, showing the conduct of the Union of these defendants, and because of the course of conduct and the method and manner of collection is directly related to proving that these funds are in fact union funds, and that payments made out of union funds are in violation of Section 610 of the Code.

The Court: It will be the same ruling.

Mr. London: May it also be a continuing objection, Your Honor, to all evidence regarding this fund?

The Court: Yes.

(Thereupon the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Sir, do you recall the Callanan Gift Fund? A. Yes, sir.

Q. Did you make collections with respect to it? A. Yes, sir.

Q. And how did you make those collections? A. The same as the Volunteer Fund is handled now.

Q. Sir, is it fair to say that the Voluntary Fund [447] collections were just suspended, and the Callanan Fund collections took its place for a period of time? A. As well as I can remember, I think that's how it was handled.

Q. Was the rate of collection for the Voluntary Fund and the Callanan Fund the same? A. Truthfully, sir, I can't remember if it was the same or not.

(Thereupon Government's Exhibit No. 101 was marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked Government's Exhibit No. 101, which is a folder containing a number of sheets, and ask you to examine them and see if you can identify them for the Court and jury, please? Can you identify them, Mr. Collom? A. Yes, sir.

Q. What are they, please? A. Those are some of the sheets from the Callanan Gift Fund book that we keep at work.

Q. All right, sir. Now, how was the Callanan Gift Fund, that is, the money that you received from your collections, how did you handle it? A. Well, we marked it down in the Callanan Gift Fund sheets, and took it to the union hall.

[448] Q. Each week, together with the other Union money? A. With the assessments.

Q. With the assessments? A. Two different envelopes.

Q. Two different envelopes? A. Yes, sir.

Q. Now, then, who did you give the Callanan envelope to at the Union? A. As well as I can remember, Mr. Eddy Steska was the man I gave that to.

Q. All right. And who did you give the other envelope to? A. I would give that to Mr. Burke; the assessment envelope.

Q. All right. Did you give each of the Callanan Gift Fund envelopes to Mr. Steska, the best you can recall? A. I gave it to Mr. Steska. Now, whether or not I ever gave any to Mr. Beck, I can't recall, but I know Mr. Steska was the original man I gave it to.

Q. Sir, throughout the period of time that you have been collecting for any purpose, for the regular Union or for the Political Fund, has anybody been exempt, as far as you know, down at the job where you work?

Mr. Daly: I will object to the use of the word [449] "exempt".

Mr. Randall: It is assuming something the witness has not testified to.

The Court: Well, I don't know. You might want to remove the word "exempt."

Mr. Riddle: Very well.

Mr. Randall: Your Honor, he's already testified that all the people paid and contributed.

The Court: The jury heard what he testified to. He may rephrase the question.

Q. Sir, was there any exceptions, or was there any person that you didn't collect from throughout this period of time that's covered by these exhibits here we have just referred to? A. May I ask what the last date was on that?

The Court: Well, on the first sheet they went up till September of 1967. I don't know what the last date was on it.

The Witness: As well as I can recall then, no one was to use your word, "exempt."

Q. All right, sir. Has anybody been exempt since then?

A. Yes, sir. There's three men down there that I don't collect any money from now.

Q. What are their name? [450] A. Robert Mitchem. I think his name is Robert. Mitchem is one. Brock is another one.

Q. Brock? A. Yes, sir. And another gentleman named Gooch.

Q. Gooch? A. Yes, sir.

Q. You collect no money from either of those three? A. No, sir.

Q. You don't collect any money from them? A. No, sir, I haven't.

Q. No union dues? A. No, sir, I haven't collected any money from these gentlemen.

Q. Nothing for the Political Fund? A. No, sir.

Q. And they are working on your crew? A. They are working for Anheuser-Busch.

Q. All right, sir. Are they members of Local 562? A. Well, they are working with 562. Now, I actually don't know their official status.

Q. All right. Why do you not collect from them now? A. Because that was the word that was—I was told, I was instructed not to collect any money from these three men.

[451] Q. Now, who gave you those instructions? A. I believe I verified that with Mr. Eddy Steska.

Q. Now then, how did you get those instructions from Mr. Steska? In a letter, or telephone call, or— A. No, I think I originally—Eddy must have came down about some particular jurisdictional dispute that came up, and I think I asked him about if that was true about these three, and he says, "Yes, that's correct, don't collect any money from these three gentlemen."

Q. All right. Now, was this when they came on the job? A. No, sir. This wasn't the first day they were on the job.

Q. Well, about—Did all three of them come on the job at the same time? A. Yes, sir, I believe they did.

Q. Do you remember about when that was? A. Oh, gosh. I would say, well, between four and six months, as well as I can remember.

Q. Ago? A. Yes, sir, ago.

Q. When they came on the job, who sent them down, if you recall? A. Well, I assume the hall sent them down. As well as I can remember, I think I was on vacation at the time. I'd [452] have to check, but it seems to me I was on vacation the week that they came down there.

Q. I see. Now, did these three men that you have just referred to, did they sign one of these Voluntary Contribution Cards when they arrived? A. I didn't give them any to sign. As I say, I wasn't present. Now, whether or not they have signed, I have no knowledge one way or the other.

Q. As a matter of practice, when a new person comes on the job, are you the one that gives him this Voluntary Card? A. Yes, sir.

Q. Now, in the case of these three, were you told not to give him a Voluntary Card? A. No, sir, I received no specific instructions not to give him a card, just as I have told you, not collect any money from these three men.

Q. Now, did the three men offer to pay you any money? A. They asked me—they saw me collecting from the other gentlemen, and they asked me what I owed them.

Q. Or what they owed you, you mean? A. Excuse me. What they owed me, and I informed them that I was under instruction not to take their money.

Q. Now, sir, are you sure that they asked you what they owed you? Are those the words that they used?

[453] A. Well, I can't remember the exact wording, but—

Q. You told them they owed you nothing? A. I told them that I wasn't to take their money; yes, sir.

Q. All right. Well, did they say anything that they wanted to voluntarily give you anything? A. No, that was the end of it then.

Q. All right. Sir, when you talked with Mr. Steska, did you ask him why you weren't to collect from these three people? A. Truthfully, I can't remember if I did or not.

Q. Well, did he tell you why? A. Well, I don't know if Eddy told me this directly or not, but from what I can gather, the gentlemen are on like a trial basis, as far as I can—

Q. Apprentices? A. Well, we don't have apprentices. We have helpers at the brewery, and I assume they are on a trial basis as a helper at the brewery.

Q. All right, sir. So people who fall in that category, who are on a trial basis, do not pay any dues or any money into the Political Fund? A. These three gentlemen haven't paid anything to me.

Q. Now, have there been any others besides these three, [454] at any time, that you have been collecting from down there, that you can recall? A. No, sir, none that I can recall.

Q. Sir, has there been any change in the dues structure during the period of time you have been collecting? A. You mean in the assessments?

Q. Yes. A. I think originally there was two and a half per cent, and now I think it is three and three-quarters per cent.

Q. All right, sir. Do you remember when that change occurred? A. I would hesitate to say the date. It seems

to me shortly after I became the steward." Let's see. I think it was after the—I'm trying to remember. I think it was after the convention that was held, but I might be mistaken.

Q. All right, sir. In any event, there was an increase in the regular union assessment from two and a half per cent to three and three-quarters per cent? A. Yes, sir.

Q. Now then, do you recall at that same time was there a change in the rate of pay into the Voluntary Political Fund? A. No, sir. I think we paid 50 cents a day for the time I have been the steward, as well as I can remember.

Q. Do you remember when it was decreased from a dollar [455] a day to 50 cents a day? A. I remember that happened, but as far as the date goes, I don't remember.

Q. You remember it did occur? A. Yes, sir.

Q. How did you find out that this so-called voluntary contribution was decreased from a dollar a day to 50 cents a day? A. I would probably be at a union meeting, but I'm not sure about that either, but usually some things such as this is discussed at the union meeting.

Q. All right, sir. Now, was the increase in the regular union dues from two and a half per cent to three and three-quarters per cent, was that discussed at the regular union meeting? A. I would feel sure that it was.

Q. In the same way that the other dues were discussed? A. Yes, sir.

Q. Same people there? A. By same people, what do you mean, sir?

Q. Well, the same people in charge, or directing the meeting? A. I would think so, sir; yes, sir.

Q. All right. Sir, I will show you what has been marked Government's Exhibit No. 99, and ask you to examine it [456] and identify it, if you could, for the Court and jury. A. Well, I would say it's a booklet that we use for the assessments at Anheuser-Busch.

Q. I see. And is that the book that you testified about receiving down at the hall? A. This type of book; yes, sir. That's what I get from the hall.

Q. Now, sir, calling your attention to that book further, is this the book that you have kept yourself? A. It looks like the book we keep; yes, sir.

Q. And it's a carbon copy of the original reports that you filed with the Union? A. It seems to be; yes, sir.

Q. I note on the front page there's a number of small notations. Can you interpret them for the jury and Court, please? A. Well, these are the men that, for one reason or another, have fallen behind paying their assessments over a period of time.

Q. And does it show how much they have fallen behind? A. Yes, sir.

Q. And it shows how much they have fallen behind, and for what period? A. Yes, sir.

[457] Q. Now, I show you what's been marked—and you say this is for your regular union dues. That is, the two and a half per cent? A. This book is for the assessments; yes, sir.

Q. Regular assessments? A. Yes, sir.

Q. I show you what's been marked Government's Exhibit No. 100, and ask you to examine it, if you would, please? A. This is the Volunteer book that we use.

Q. All right, sir. Now then, there's a number of figures appearing on the front of it that to me look to be quite similar to the ones that are in the regular assessments. Can you describe them and interpret it for the jury, please, and the Court? A. Well, this only shows the Volunteer.

Q. All right. What does it show? A. It shows some dates that these gentlemen might have missed their Volunteer.

Q. It shows the ones who are behind? A. And also some who have paid in advance.

Q. Does it show the ones that are behind? A. It seems to contain some that have missed for some particular weeks.

Q. And does it show how much they are behind? [458]

A. Yes, sir, it shows the amount for that particular week.

Q. It shows how much they owe all told that would be in arrears?

Mr. London: Your Honor, I am going to object to the form of the question.

Mr. Riddle: I will withdraw that question.

Q. Now, who prepared this little memo that is in the front of the Pipefitters Voluntary Fund? Who prepared that? A. It looks like the handwriting of Mr. Frank Villa.

Q. Mr. Frank Villa is your assistant? A. Well, he helps me with these books; yes, sir.

Q. All right. Now, how many names appear on the front of this book? A. About seventeen, sir.

Q. All right. And what is the first name that appears on it? A. G. Gamble.

Q. And what information appears there about G. Gamble? A. Well, the 29th of October his Volunteer would be \$3.50.

Q. Does that mean that he is behind that much? A. Yes, sir. It means he didn't pay for that particular week.

[459] Q. Now then, what is the next name that appears on there? A. W. Hudson.

Q. And what notations are made beside Mr. Hudson's name? A. 10-29 it would be three, and 11.5 it is three, and 11.12 it is \$2.50.

Q. So he is behind for one \$3.00 payment for a period, then he is behind another \$3.00 payment for a period, and

then he is behind \$2.50 for a period; is that correct, sir?

A. That shows he didn't pay for these particular weeks; yes, sir.

Q. What is the purpose for your keeping records of the delinquency here in these Voluntary contributions?

Mr. London: I object to the form of the question, Your Honor. There has been no testimony about a delinquency by this witness.

Mr. Riddle: Your Honor, I don't think it can be interpreted any other way.

The Court: All right. What is the purpose of keeping this record as you have it there?

The Witness: Well, we have men on vacation down there all year round from January right up to Christmas-time, and sometimes some gentlemen pay in advance, or wish to pay [460] in advance before they leave. Other times other gentlemen prefer to pay when they come back. And it is merely a matter of convenience for us to know how much they owe when they come and ask me, "I want to pay my assessments and Volunteer. How much is it?"

So in order to be able to tell them that, we keep these records.

Q. (By Mr. Riddle) Yes, sir. Now, is this for the purpose of your knowing at all times who is paid and how much they have paid? A. It's not for the purpose of knowing how much they have paid. It is, as I said, for the purpose of when they come to me and want to know how much they owe, I'll have the figures available.

Q. And you use that in the very same way that you use the information on the front of your regular assessment book? A. Yes, sir, that's right.

Q. Mr. Collom, were you at any meeting when the decision was made to suspend the Voluntary Political

Fund and initiate the Callanan Gift Fund? A. Yes, sir, I was. I believe I was there.

Q. Where was that meeting held? A. As well as I can remember, I think it was held in the Teamsters Building. It is across from the Electricians' [461] hall. I don't remember the exact street that it is on, but it would be east of Hampton Avenue.

Q. Well, without going into details, can you tell the Court and jury what was resolved or decided at that meeting? A. I think it was resolved that the Political and Educational and Welfare—not Welfare, but Charity and Defense Fund would be suspended temporarily, I presume, and that particular assessment or Volunteer amount we wanted to give would be allocated to the financial trouble of Mr. Callanan.

Q. And at the end of Mr. Callanan's collections, the regular Political assessments would continue?

Mr. London: I object to the form of the question, Your Honor, using the word "assessments."

The Court: All right.

Mr. Riddle: I will withdraw that, Your Honor. He's using the word, however, himself.

Mr. Daly: I object to Mr. Riddle's comment on that, and ask it be stricken.

The Court: Well, the jury knows what transpired here. Let's proceed.

The Witness: I don't know if that was discussed or not, whether or not it would revert back to the usage that it was being used then or not.

[462] Q. I see. Sir, how did you know that you should quit collecting on the Callanan Fund? Where did you get that information? A. As well as I can remember now, and

it might be entirely wrong, I think it was discussed by Mr. Steska at another meeting.

Q. At another meeting? A. As I say, I'm not quite sure about what it is, but I think it came up at a meeting after this had been in effect for a while.

Q. All right. Sir, did this come up at a regular union meeting? A. I hesitate to say whether it has a regular or special; but—

Q. It was a union meeting? A. I feel sure it was a union meeting.

Q. All right. You have attended union meetings over a period of the last twenty years or so, I guess? A. Yes, sir.

Q. Was it any different from the other union meetings that you attended? A. No. I can't recall if this was the only specific business that night or not.

Q. But the conduct of the business, or the conduct of [463] the meeting was just the same as any other special or regular union meeting. A. Are you referring to this meeting at the Teamsters hall?

Q. Yes. A. Well, I think it was—well, it seemed to me there was a little social gathering along with that, sir.

Q. Outside of the social aspect of it, was it similar to all the other meetings that you remember attending? A. As well as I can remember.

Q. Sir, I want to inquire of you about the procedure or the occurrence on the day that you collect money from your men. You testified that you collect for one purpose; for political purposes, and then you collect for regular dues and assessments all at the same time? A. Yes, sir.

Q. And would you tell the Court and jury just how that transaction occurs? A typical one? A. Well, we have quite a few men down there, and some of them work in different departments throughout the brewery, so I station myself in the men's dressing room on Ninth Street

where the majority of men change their clothing, and men from the various departments will collect their assessments and Volunteer money and designate one of their group to bring it [464] over to where I am stationed. Down at the Bevo, some of them will collect there, and then that's where I work, and that's where I return after I have collected the various monies.

Q. Now, when you sit there and collect the money, do you have a cash box, or a little desk, or equipment that you use for this purpose? A. Well, we have a box, yes, sir, that I carry the money back and forth in.

Q. All right. Now, the money that you received, is it all together? Suppose I am an employee, Mr. Kickman and I come up to you with my money for Tuesday morning. Do you collect from Mr. Kickman for the total amount that he owes? A. Yes, sir.

Q. Does he ask you, "How much do I owe all told?" Is that what he asks you? A. Yes, sir.

Q. And what answer do you give him under those circumstances? A. Well, we have—I figure up what the assessments and the Volunteer would be, and give him that particular figure.

Q. And if that happens to be \$7.00, you tell him, "You owe \$7.00?" A. Yes, sir.

Q. And then you take the total amount from him, and [465] then you separate it? A. In the two different envelopes; yes, sir.

Q. So insofar as the man is concerned that pays you, he owes his one lump sum?

Mr. Randall: Your Honor, that calls for a conclusion and argument.

The Court: Be sustained.

Q. Well, sir, does the man pay you what he owes you in a lump sum, or not? A. If he is paying in cash, yes,

sir. If he is paying by check, he has to give me two different checks.

Q. All right, sir. Sir, with respect to the Callanan Gift Fund, were payments received with about the same consistency as were received into the Political Fund? A. Yes, sir.

Q. And in the same manner it was lumped together if it were paid in cash with the regular dues and assessments? A. Yes, sir.

Mr. Riddle: If it please the Court, at this time the Government would like to offer into evidence its Exhibits No. 90—

The Court: Through 101?

Mr. Riddle: —through 101, and ask they be received.

The Court: They will be received.

[466] (Whereupon Government's Exhibits Nos. 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 were received in evidence.)

Mr. Riddle: We will withhold making them available to the jury, if the Court please.

The Court: All right.

Mr. Randall: I have no objection. I do have questions.

### **Cross-Examination**

By Mr. Randall:

Q. Mr. Collom, you have worked at the brewery for how long, sir? A. Approximately twenty years.

Q. And you have been the Union steward there for how long?

Do you have grand jury testimony on this man?

Your Honor, if it is all right, I would like to proceed and let them look at it, and then pick it up rather than take the time.

The Court: All right.

Mr. Riddle: If the Court please, let the record show that we have given the defendants a copy of the grand jury testimony.

The Court: Let the record show that at the request of the defendant, the grand jury notes have been given to [467] them.

Q. (By Mr. Randall) And you have been the steward there for how long, sir? A. Approximately three years.

Q. And Mr. Riddle asked you if you were the principal union officer there. You are the only union officer there; isn't that right? A. Yes, sir.

Q. The steward is the only union officer on any job; isn't that correct, sir? A. Yes, sir.

Q. Now, of course, the other people are members of the Pipefitters Union? A. Yes, sir.

Q. Including the foreman? A. Yes, sir.

Q. Now, with respect to Anheuser-Busch, with exception of Anheuser-Busch itself, your assessments are checked off; isn't that correct? In other words, the employer pays them? A. Yes, sir.

Q. And that is because your contract, Local 562 contract is with all of the contractors, but not with Anheuser-Busch. They have a separate provision with Anheuser-Busch? A. Yes, sir.

[468] Q. So that the only place where the assessments, and you don't refer to those as regular assessments, as Mr. Riddle did. You just refer to them as assessments, don't you? A. Yes, sir.

Q. That is the only place where you have to collect the assessments, the union assessments and dues? A. As far as I know, sir.

Q. Now, during the period, Mr. Collum, that you have been the steward down at Anheuser-Busch, with the exception of these three probationary people that we referred to, and we will talk about later, have all of the employees at Anheuser-Busch, all pipefitters, been members of Local 562? A. As far as I know they have, sir.

Q. There have been no non-members working there? A. Not to my knowledge.

Q. So that during the entire period, your collections, or the contributions made to the Fund by everybody has been 50 cents a day, hasn't it? A. Yes, sir.

Q. You have made no larger collections? A. No, sir.

The Court: Will you gentlemen step up a minute? I only need the two of them.

(Thereupon a colloquy ensued among the Court, [469] Mr. Biddle and Mr. Randall, at the bench, out of the hearing of the jury and the reporter, after which the trial was resumed before the jury as follows:)

Q. (By Mr. Randall) Now, Mr. Collom, are you the steward only for the regular employees, the people that are employed by Anheuser-Busch itself? A. I don't quite follow that.

Q. Well, maybe I am confusing you. In addition to the people, the pipefitters that are employed by Anheuser-Busch, on occasion a contractor comes in there and does some construction work, doesn't he? A. Yes, sir.

Q. And in that case, the contractor also employs pipefitters? A. Yes, sir, that's right.

Q. Now, were you the steward for those people? A. Well, technically no, but if there is trouble that arises, they will usually look up myself and make me acquainted with any jurisdictional dispute that might come up.

Q. In other words, you were consulted by the steward for the contractor's job? Am I correct on that, sir?

Q. In other words, you were consulted by the steward for the contractor's job? Am I correct on that, sir? A. Usually the foreman will come to see me.

Q. I see. Now, did you collect the contributions to the Voluntary Fund for the pipefitters who worked for these [470] contractors? A. No, I don't make that collection.

Q. You did not do that. And, of course, their assessments were done by checkoff, by direct payment to the Union? A. I would assume so.

Q. Now, if I might talk for a minute about these three people that are on probation, or helpers, and you have three people down there at the present who are not full-fledged members of Local 562; is that correct? A. I would assume they are not full-fledged members.

Q. And they are on a probationary period? A. That is what I have been led to believe.

Q. Do they receive the same pay as the other people who work? A. Yes, sir.

Q. But because they have not been admitted into the Union itself, you were instructed not to collect anything from them; is that correct? A. I believe so.

Q. And with the exception of those three people, all of the people who have worked down there during your period as steward have made contributions to the Voluntary Fund; am I correct in that? [471] A. Yes, sir.

Q. Now, during that three years, have you had new people come to work there? A. Yes, sir.

Q. In fact, you have a considerable change, don't you, down at the brewery? People retiring, and things of that nature? A. Yes, sir, there is quite a turnover.

Q. Now, when a new man came to you, sir, to go to work, when he came to work at the place, what did you say and do with respect to him concerning the Voluntary Fund? A. Right now, Mr. Randall, really, I'm trying to

remember who might have come since I have been there, but, honestly, I can't remember whether or not any of them came since I have been there as steward. I remember having some men sign some cards, or requesting them, or asking them if they wished to volunteer, but that was in relation to the Gift Fund at the time. We probably had some men come to work, but I just offhand can't remember which ones might have come during my three years as steward.

Q. Then let's talk about the Gift Fund. What did you do with respect to the cards, and say to the men concerning the Gift Fund? A. All I did was ask them if they wanted to sign one, presented the card to them.

[472] Q. And did all of them sign on the spot, or did some of them retain the card, or what happened in that respect? A. Well, I can't remember if every one of them signed right at the minute, but I know that, as well as I can remember, no one refused me. They all wanted to sign the card, as well as I can remember.

Q. Now, Mr. Collom, let's talk about, for the moment, the meetings of the Voluntary Fund. Did you attend meetings that were held on Sunday of the Voluntary Fund itself, not union meetings? A. Do you mean like a get-together?

Q. Yes. A. Yes, sir, I have been at some of those.

Q. And those were meetings of the Fund itself? A. Well, I'm a little confused by meetings of the Fund.

Q. Well, don't you receive notices of meetings? A. Yes, sir.

Q. You receive by mail a notice of the meeting? A. Yes, sir.

Q. And aren't notices sent out, both for meetings of the Union and also for meetings of the Fund, when those members of the Fund are to meet? A. Well, now we have get-togethers at the Electricians' hall. We have had some

of those. That was just like a social [473] gathering, and also I remember hearing some of the various candidates speak.

Q. Well, do you recall what the notice said that you received for those kind of meetings? A. Offhand I can't remember the wording of the notice. No, sir.

Q. I see. And do you recall that those meetings were called meetings of the Voluntary Fund rather than of the Local? A. I can't remember the exact wording, but they probably would be, because there wouldn't be a meeting of the members for union business.

Q. Now, if it was such a meeting as that when the Voluntary Fund was terminated and the people present decided to institute the Gift Fund to help out Mr. Callanan, wasn't it? A. Yes, sir. Like I say, it was a social gathering along with that.

Q. All right. And the people present decided to terminate the Voluntary Fund and to initiate and create a fund to give to Mr. Callanan? A. That's correct.

Q. Now, Mr. Collom, at some of these meetings, these social gatherings and Fund meetings, you said some of the candidates that were being supported were present? [474] A. Yes, sir.

Q. And were political matters discussed? A. Well, I think they were all just introduced, and they all made, had a few minutes of speaking.

Q. Right. And did someone tell you who they were the Fund was supporting, the candidates generally that they were supporting at these meetings? A. Well, don't know if it was worded like that, but I'm sure we were supporting them, or I don't think they would have been invited.

Q. Were you aware, generally, of the candidates that were being supported by the Fund? A. Yes, sir, I would say aware of it.

Q. And, sir, what is your politics? A. I'm a Democrat.

Q. Now, Mr. Collom, did you, yourself, sign one of these Voluntary Cards? A. Yes, sir.

Q. Have you always contributed? A. Yes, sir.

Q. Are you still contributing? A. Yes, sir.

Q. Were your contributions voluntary? A. Absolutely.

[475] Q. Did anybody ever put any pressure on you? A. No, sir.

Q. To your knowledge, did—Let me ask you this question: Did you ever put any pressure on anyone to contribute to the Voluntary Fund? A. No, sir.

Q. And to your knowledge, did anyone else? A. Not to my knowledge.

Q. What is your rate of pay down at the brewery, sir?  
A. Four dollars and ninety-two and a half an hour.

Q. Now, sir, Mr. Riddle pointed out that these three helpers, these probationary people, were sent over to the brewery from the hall, 562's hall. Aren't all of your new employees sent over to the brewery from the hall? A. Yes, sir.

Q. In other words, all of the people that are employed, the pipefitters, are referred by 562's hall? A. Yes, sir.

Q. Mr. Collom, if I understand it right, these Exhibits 99 and 100, the other exhibits which were identified by the Government presented prior thereto, are actually photostats of sheets from those two books; am I correct in that, sir? A. I believe so.

Q. And what you did was take the original down to the [476] 562's building with the money and leave a carbon copy in here; am I correct in that? A. We don't have a carbon copy of the Voluntary.

Q. Oh, you do not keep a copy of the Voluntary? A. No, sir.

Q. Oh, I see. You only keep a record down at Anheuser-Busch of the dues and assessments? A. Yes, sir.

Q. Right. And the reason for that, sir, is because it is required that the dues and assessments be paid, isn't it, sir? A. Yes, sir.

Q. And your By-Laws and Constitution provide that a man may be expelled from the Union if he does not pay his dues and assessments? A. Yes, sir.

Q. But with respect to the Vountary Fund, you kept no copy? A. We keep no carbon copy of the Voluntary.

Q. And this little list that was kept by the man that assisted you, you retained solely for the purpose of being able to answer the inquiries of the people working there? A. That's right, sir.

Q. Now, Mr. Collom, did you ever tell anybody at Anheuser-Busch that they were required to contribute to the [477] Voluntary Fund? A. To my knowledge, I have never told anyone anything like that.

Q. Did anybody from Local 562, including Mr. Callanan, Mr. Lawler, Mr. Seaton, ever ask you or inquire in any respect with respect to who was contributing to the Voluntary Fund? A. No, sir.

Q. You had absolutely no inquiry at any time? A. No, sir.

Q. Were you present at a meeting of the Voluntary Fund about two months ago when a secret ballot was taken as to whether or not the Voluntary Fund should be continued? A. I was present at a meeting.

Q. And you were present when the ballots were voted 743 yeses and 5 noes? A. Well, I can't remember the exact figures, but it sounded something like that. Yes, sir, I was present.

Q. And that ballot was conducted by a yes no ballot, in which the people marked and bent them, and placed them into boxes; is that right? A. Yes, sir.

Mr. Randall: That's all.

Mr. London: I have a couple questions, Your Honor.

[478]

**Cross-Examination.**

By Mr. London:

Q. Mr. Collom, you said that your rate of pay down at the brewery is what? A. Four dollars ninety-two and a half, I believe.

Q. And in addition to that, there was some money paid into your welfare program by your employer? A. I believe so.

Q. Do you know how much that is, sir? A. Offhand I don't.

Q. Would it be in excess of \$2.00 an hour? A. Truthfully, I can't tell you.

Q. And you work a regular 40-hour week down there? A. That's our regular week.

Q. Sometimes there is some overtime? A. Yes, sir.

Q. And as a result of this money that you do make, I assume, sir, of course, that you file income tax returns and pay federal income taxes? A. Yes, sir.

Q. And as Mr. Randall asked you, it is a requirement that in order to remain a member of this Union, that you pay your union dues; is that correct, sir? A. That's correct.

[479] Q. And as a result of that requirement, sir, on your federal income tax do you deduct the amount that you pay in union dues? A. Union dues.

Q. And on your federal income tax, sir, the amount that you pay to the Voluntary Fund, do you deduct? A. No, sir.

Q. That is not required that you pay that so you cannot deduct it, can you, sir? A. That's correct.

Mr. Riddle: I will object to that as calling for a legal conclusion of this witness.

The Court: Be sustained. Be stricken. The jury will disregard it.

Q. (By Mr. London) You do not deduct your Voluntary Fund payments, do you, sir? A. No, sir.

Mr. London: Thank you. That's all.

Mr. Daly: I have no questions.

Mr. Nangle: I have one question.

### **Cross-Examination.**

By Mr. Nangle:

Q. Mr. Collom, did you handle the collection of the cards for the United Fund? [480] A. Yes, sir.

Q. You distribute the cards to the men for whom you are the steward, for the United Fund; is that correct? A. Yes, sir.

Q. As a matter of fact, does the brewery request that you, alone, handle any types of collections that are had amongst your members down there? A. Well, I think it just has been the practice that the steward would handle any and all such things as that.

Q. As a more orderly procedure? A. Yes, sir.

### **Redirect Examination.**

By Mr. Riddle:

Q. In your various collections, sir, specifically with respect to the one that Mr. Nangle asked you about, you have collected for the United Fund? A. It isn't a collection. You take the cards around, and it is deducted from our pay.

Q. You take the cards around to each of the — A. Yes, sir. If they sign a card, there is a little box on

there, and you can mark in the amount you wish deducted from your pay over a period of time. That's how that is handled.

[481] Q. You take cards around to the people? A. Yes, sir.

Q. This is a voluntary thing for them? A. Yes, sir.

Q. How many of them have signed those United Fund deduction cards? A. Well, I think there's—offhand I can remember one gentleman that doesn't give.

Q. One gentleman doesn't give? A. There might be more, but right now I can only remember one for the United Fund.

Q. And they give to it and authorize to have it withheld from your paycheck? A. Yes, sir.

Q. And you only recall one who— A. Well, let me—there might be more. As I say, one gentleman stands out in my mind for some reason, but there might be more. Truthfully, I can't remember right now if there are any more. I remember that one gentleman in particular.

Q. The fact is you don't keep a record of the people who contribute to the United Fund, do you? A. I don't keep a record; no.

Q. And you made no report to the union hall about that, do you? [482] A. No, sir.

Q. But you do make a report to the union hall about voluntary contributions into this Political Fund? A. Yes, sir; the sheet that I take to them.

Q. Now, on these sheets that you take to them, this is an accurate report of every person and every amount that that person has paid, isn't it? A. As well as we can make it, sir.

Q. Now, you were asked on cross-examination about whether or not anybody ever made an inquiry from the hall as to whether somebody is paying down here or not.

Do you remember that question being asked you? A. Yes, sir.

Q. Well, in fact, there is no purpose or no reason for such an inquiry to be made, is there, from the union hall?

Mr. Randall: Your Honor, I think this is argumentative.

The Court: He may answer. You may ask him. Go ahead.

The Witness: Well, I don't know what purpose or reason a person might have.

Q (By Mr. Riddle) Isn't it a fact that they would have all the information down there at the union hall they would need in order to determine who is paid and who hasn't paid? [483] A. Well, they could probably determine from our sheets if they wished to.

Q. Yes, sir. And that would eliminate any inquiry, would it not? A. I suppose it could be figured that way; yes, sir.

Q. Now, I believe you said a while ago, in answer to a question, that of all of the times that you have given out cards, these Voluntary cards — A. Yes, sir.

Q. — that you have never had anyone to refuse you. Were those the words that you used? A. I can't remember anybody telling me no.

Q. Well, did you use the words a while ago that, "No one ever refused me"? A. I could have said that. I can't remember exactly every word I said.

Q. When you said nobody had ever refused you, does the Court and jury understand from that, that you were asking them to sign the cards? A. Maybe I should have rephrased it. This is strictly a voluntary card. If they went to sign it, it is fine, and if they don't want to sign it, that's fine with me too. I put no pressure on them in any way, shape or form. If they want to sign it, the

card is presented to them. If they don't [484] want to sign it, that's fine. As I say, I can't remember any gentleman saying, "I don't wish to sign the card."

Q. All right, sir. Now, sir, you said that no one has—you weren't requested to collect from anybody in particular, and then you testified a little earlier that you were told three people weren't to be collected from. A. Yes, sir.

Q. For any purpose. A. Maybe when I said "any purpose," I didn't have this United Fund in my mind, if that is—what I was referring to was the assessments and the Voluntary.

Q. Well, when these people asked you if they owed you any money, what did you tell them? These three people? A. I told them that I was told—as well as I can remember, I told them that, "I have been told not to take any money from you."

Q. Did they say, "Well, we want to volunteer, give you some?" A. I don't remember them saying that to me; no, sir.

Q. Did they indicate to you that they wanted to give you any money? A. Only when they asked me the original time they saw these other gentlemen pay me their money, and they thought that they might have owed something, and I told them, as I have told [485] you now, that I was told not to take their money.

Q. Sir, in answer to Mr. Randall's question, you said that you voluntarily made these payments to the Union? A. Yes, sir.

Q. Is it also true that you voluntarily make your regular Union assessment payments? Don't you voluntarily pay them? A. Well, that's something that you pay if you want to be a member of 562 and follow the by-laws of 562. That is a required payment.

Q. But you pay the Voluntary, don't you?

Mr. Randall: Your Honor, that is argumentative.

Mr. Riddle: I am asking him the question, Your Honor.

The Court: Well, I do think, Mr. Riddle, that it is argumentative. He's given you the answer that he considers that he has to pay in order to be a member. All right. I'll sustain the objection.

Q. (By Mr. Riddle) Sir, of the people, ninety to a hundred down there that pay you these 50 cents a day, or two dollars and a half a week every week, do you think they'd pay that to you voluntarily?

Mr. London: I object to the form of that question, Your Honor.

The Court: Be sustained.

Mr. London: Also, it is repetitions. He's already [486] testified to that.

Q. (By Mr. Riddle) Let me ask you about this meeting that you supposedly attended. Have you ever heard of a Fund meeting before Mr. Randall asked you about it here on the stand this morning? A. Well, not Fund meeting.

Q. I am talking about F-u-n-d. A. Yes, sir, I understand. But I don't think—well, the term is—I've never been invited to a meeting called the Fund meeting, just those two words.

Q. Have you ever been invited to a meeting called the Political Voluntary Fund meeting? A. Well, truthfully, I can't remember what the wording would be on the notice we received. I can't remember the wording.

Q. You got your notices from the Union, didn't you? A. As well as I can remember.

Q. Yes, sir. Now, sir, during the period of time that you have been paying into this fund, have you ever been shown an audit of the records? A. No, sir.

Q. Has anyone ever told you how the money was spent?

A. Well, not—no, we have never really sat down and had a penny by penny directory of how it was spent; no, sir.

[487] Q. Did any board of directors, or any committee, ever make a report to you about the handling of the Fund? A. Not a specific report such as you are speaking of, I don't believe, sir; no, sir.

Q. Sir, one other question. One last question. You were asked whether you took a deduction on your income tax for the amount of money you paid into this Fund. Who told you not to take the deduction because of that, or for that reason? You made an inquiry, didn't you? A. Well, I think—I don't remember myself making a specific inquiry. I think it got to be a common question, however. The answer got back to all of us. I think we are all aware that you can't deduct a voluntary on your income tax.

Q. Now, you said, "We all got the word back that we couldn't deduct it." Is that what you are telling the Court and jury? A. As well as I can remember. I know it was discussed amongst small groups of us at times. However, we got the answer, we all—

Q. What was discussed among the small group of you about this deduction? A. Well, some men were wondering if they could take it off their income tax.

Q. And were you wondering also? [488] A. Well, being unfamiliar with the law, I think all of us wanted a clarification on it one way or the other.

Q. Where did you go to get your clarification? A. Well, I didn't go to any specific place. However, we all seemed to—someone finally found out, or I guess we all assumed, or was finally—

Q. The Union told you, didn't they? A. No, sir, I can't remember whether or not the Union ever specifically told me that, in all honesty.

Q. Well, specifically, where did you get your information? A. I can't say I got it from one specific person or location.

Q. Well, then, if this question was raised by you and your fellows, the people down there at your place of work, about whether or not they could deduct it, why was that question raised? A. Well, now, this is long before I was a steward. We had this Volunteer.

Q. Why was it raised, and why were you concerned about it?

Mr. London: I object to the form of this question. It is leading and suggestive. It is calling for a conclusion. The witness has testified as to the inquiries being made.

The Court: Oh, he may answer, if he can.

[489] The Witness: I can't honestly say that I spoke to one specific person that told me yes, you can, or no, you can't. Now, where I finally decided that we couldn't, or where that word came from that we had such faith in, I honestly don't know who it was or where it came from.

Q. Sir, isn't it a fact that you were wanting to take the deduction if you could? Isn't that a fact? A. I don't want to take anything off my income tax that I haven't got coming to me.

Q. But if you could have taken a deduction, you wanted to do it. Isn't that correct? A. Well, I think any time I can take something from my income tax that I have coming to me, and don't take it, it seems like a waste of money.

Q. And you wanted to take this deduction if you could?

Mr. London: Your Honor, I am going to object to the argumentative nature of the question.

The Court: It will be sustained.

Mr. Riddle: That is all I have.

Mr. Randall: I have two or three questions.

**Recross-Examination.**

By Mr. Randall:

Q. Mr. Collom, you did not collect money for the United Fund, did you? [490] A. No money is handled. That is deducted from their pay.

Q. Deducted by Anheuser-Busch? A. That's correct.

Q. And when you get your check, do you have a voucher along with it? A. Yes, sir.

Q. And that contains a record of the money that is deducted? A. Yes, sir.

Q. And Anheuser-Busch, of course, sends reports to the United Fund? A. I would assume so.

Q. Transmitting to them? A. Yes, sir.

Q. That is exactly what you did with respect to the Voluntary Fund, isn't that correct, sir? Took your reports and the amount of money conforming with collections? A. Yes, sir.

Q. Now, you testified that some of these men fell behind both in their assessments and in the Voluntary Fund; isn't that correct? A. Yes, sir.

Q. And you had an inquiry concerning the assessments only from Mr. Burke? [491] A. That's correct.

Q. And who is Mr. Burke? A. Mr. Burke is the Secretary-Treasurer of 562.

Q. And you never received any such inquiry concerning the people who fell behind on the Voluntary Fund? A. Never.

Mr. Randall: That's all, Your Honor.

The Court: Anything else, Mr. Riddle?

**Redirect Examination.**

By Mr. Riddle:

Q. Sir, do you know if these gentlemen who were delinquent caught up on their dues? Regular dues? After they talked to Mr. Burke? A. Not all of them.

Q. Did some of them catch up? A. Some of them.

Q. Did they also catch up on their Voluntary Political dues or contributions? A. Yes, sir.

Q. Following the discussion between them and Mr. Burke, they caught up, or some of them did on both their union assessments and on their Voluntary Political Fund? A. Yes, sir.

Q. Do you think he may have talked to them about the [492] Political Fund also?

Mr. Daly: I will object to that, Your Honor.

The Court: Be sustained.

Mr. Riddle: All right.

The Court: Is that all?

Mr. Randall: That's all, Your Honor.

The Court: You may be excused.

The Witness: Thank you.

(Witness excused.)

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The Court: Call your next witness.

**EMIL CHARLES ENDERMUHLE,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, would you state your full name for the Court and jury? A. Emil Charles Endermuhle.

Q. What is your last name? A. Endermuhle.

Mr. Riddle: That is E-n-d-e-r-m-u-h-l-e?

A. Right.

Q. Are you a member of Local 562 Pipefitters? A. I am.

[493] Q. Are you a foreman? A. Yes.

Q. What job are you working on now? A. Moloney Electric.

Q. Sir, during the year 19 and 63, were you a foreman out at the McDonnell plant? A. I was.

Q. And what construction company were you working for? A. General Installation Company.

Q. General Installation Company? A. Right.

Q. How long did that job last, approximately? A. I was out there approximately two years.

Q. All right. Were you the foreman on that job? A. Over the whole job; yes.

Q. How many people did you have on your crew? A. I think the peak crew was close to a hundred.

Q. All right. And it dropped off, I guess, at times? A. It would fluctuate.

Q. Sir, were you a steward at the same time? Union steward? A. Partially.

Q. What do you mean partially? A. Well, as the job got larger, we got a steward on the [494] job.

Q. Now, how large does a job have to get before you have a steward? A. Well, normally, under union rules, four men.

Q. Sir? A. Four men.

Q. Four men? You mean any job over four men you have a steward? A. Normally, yes.

Q. All right. Well, you were steward on this job almost all the time, then, weren't you? A. No. We got a steward after we got up around thirty or forty men.

Q. I see. And that was a different person than you?  
A. Right.

Q. Who was the steward then? A. Richard Dolan.

Q. Richard — A. Dolan.

Q. All right. Sir, in connection with your work out there, did you make certain collections from people working for you? A. I did.

Q. And how often? [495] A. Well, normally once a week.

Q. What day in the week? A. Well, normally on a Monday.

Q. How long have you been doing that, making collections each Monday? A. You mean prior to '63 or —

Q. Well, yes, prior to '63. A. Well, I imagine about ten or twelve years.

Q. All right. Have you been doing it since 1963 also?  
A. Yes.

Q. Now, were you furnished forms for the collection of the money that you did collect? A. Yes, we had a form.

Q. And in 19 and 63, where did you get that form? A. I received it down at our Welfare office.

Q. You got it at your Welfare office? A. Yes, sir.

Q. Of the Union's headquarters? A. Yes, sir; at the union building.

Q. And who in the Welfare office gave it to you? A. I can't recall now. At the time it seemed like it may have been Looney.

Q. Looney? A. Dan Looney; yes.

[496] Q. Dan Looney. Now, at that time, early 1963, did you receive a number of cards that are called Voluntary Contribution Cards, or Political cards? A. I did.

Q. Who did you get them from? A. I believe I received those from the same man. I'm not quite sure on that though.

Q. Well, your best judgment is you received them from Mr. Looney also? A. I believe so; yes.

Q. Did you get any instruction as to what to do with the cards after you did receive them? A. I was instructed to have the men sign the cards, the men that were willing to sign.

Q. All right. And did you proceed to do that? A. I did.

Q. And after you got the cards signed, what did you do with them? A. The next time I stopped by down there, I turned them in.

Q. I see. Sir, you were working on the McDonnell job, were you, collecting union assessments? I don't mean money that comes into the Political Fund, but had the checkoff system started at that time? [497] A. I believe I went out there in '62, and at the time we didn't have the checkoff system then, and I believe I was picking up assessment then.

Q. At that time, how did you handle the collection of all the monies that you received? Can you tell the Court and jury just how you proceeded to do that? A. Well, what I received I turned in to the union hall.

Q. How did you go about collecting it? A. Well, usually the men come up to you Monday morning, usually before you start to work, and give it to you.

Q. Well, would they ask you how much they owed? A. A few do. Normally most men know what their dues were, and assessments, at the time.

Q. Well, at that time, back before the checkoff system began, did the people working for you give you all their money at one time? That is, the regular union dues and the Political Fund money? A. Most men paid their dues at the hall.

Q. All right. A. A lot of men at times would give you their book to bring in, save them a trip going in to the hall.

Q. All right, sir. After you collected the money, the cash that you collected, what did you do with it? A. I brought it down to the union hall.

[498] Q. All right, sir. Now, did you keep pretty accurate and thorough records of the people who were working and the number of hours they worked each day? A. The only records I kept was in my time books.

Q. Well, did you keep records on this form, on the Pipefitters Voluntary Fund form? A. No. I just marked down on the form what the men contributed, and turned that in.

Q. Well, did you put down the number of hours they worked on it? A. Sometimes we would mark the hours down.

Q. Well, let me show you—

(Thereupon, Government's Exhibit No. 102 was marked by the reporter for the purpose of identification.)

Q. I show you what's been marked Government's Exhibit 102, and ask you to examine them and see if those are the cards or the forms that you prepared? A. I'd say these are all mine.

Q. All right, sir. Now, sir, when you were collecting this money, did you make a notation on the forms that you prepared indicating that a person was behind, or that he owed money, if he didn't pay you? A. I did; yes.

Q. And you would make that notation right on the form [499] that you sent in to the union office? A. At times, yes.

Q. And you'd put down the amount he owed, and who it was that owed it? A. Right.

Q. All the time that you were out there, did you have anybody who refused to pay you, or give you trouble about collecting? A. I can only recall one man that didn't want to.

Q. One man who gave you trouble? A. There was no trouble.

Q. Who was that man? A. A man named Copeland.

Q. C-o-p-e-l-a-n-d? A. That's his name; yes.

Q. Well, what did Mr. Copeland do that was different?  
A. He didn't do anything different.

Q. Well, did he fail to pay? A. Yes. He didn't pay.

Q. Sir? A. He didn't pay; seemed like he was broke all the time.

Q. Well, did you ask him for his money? A. Several times.

Q. What did he tell you? [500] A. Well, he'd usually say when he gets some money he will go down and pay it himself.

Q. All right. How often did this happen? A. I'd say four or five times, and finally I just quit asking him.

Q. All right. And how did you report him into the hall then? A. I didn't report anything. I just marked the sheet there.

Q. Just marked the sheet, "No pay"? A. That's right.

Q. How long did he work with you out there? A. I can't recall. I'd say he was out there approximately three or four months.

Q. Well, did Mr. Copeland claim to you that he paid at the hall on occasions? A. He did say that he was going to the hall, but whether he did or not, I don't know.

Q. Sir, do you recall anybody else that gave you any trouble about these collections? A. Nobody on no job of mine; no.

Q. Of all the time that you have been collecting, he is the only person though who gave you some trouble? A. I wouldn't call it trouble.

[501] Mr. London: Your Honor, I will object to the question.

Mr. Riddle: I will withdraw the question.

The Witness: There was no force exerted or anything for him to have to pay, so, therefore, there wouldn't be any trouble.

Q. (By Mr. Riddle) Well, what type of conversation did you have with him? Can you tell the Court and jury that? On these Monday mornings when you were doing your collecting? A. It wasn't always Monday. We say normally Monday. Sometimes it would be Tuesday or Wednesday, but it was more in a joking way. I kidded him about it.

Q. What did you say to him, and what did he say to you? A. I'd usually kid him, I'd say, "Leroy are you going to come up with something?". Or something on that order, in a joking way, because normally the men know mostly. You didn't have to go around asking them or saying anything. It was strictly a voluntary thing.

Q. They'd come up to you? A. Definitely; yes.

Q. Now, during the time that you were collecting out here at the McDonnell plant, did you, on occasion, advance any of your people some money so that they could pay? A. Well, once in a while you'd have a guy hit you for [502] a little loan.

Q. For what purpose? A. Maybe for the Voluntary Fund, or maybe they might just be short on cash for the week, maybe to buy food or something.

Q. Sir, did you loan any of your people money for the purpose of paying this Voluntary Fund? A. I couldn't definitely state that that is what I would loan them money for. I just marked them down if they didn't pay it.

Q. You marked it down that they owed? A. Owed; yes.

Q. What did you do the next week for the man that owed you for the previous week? A. Normally the next week they'd come in and say, "Here's what I owe you."

Q. All right. Now, sir, on the job out at McDonnell, did you have people working there who were both members and out-of-towners? A. I did.

Q. Did you make a different collection from each of them, or from those groups? A. Yes. The out-of-town men, their Voluntary Fund was a little higher than ours.

[503] Q. How much higher? A. Well, they paid \$2.00 a day, and I think at the time we were paying a dollar a day. I just don't recall exactly what month it changed, or anything.

Q. Was there any—Did you make any explanation to them as to why there was a different rate for the out-of-towners than the Local? A. No, I didn't, because most men accepted this. They knew that when they came on the job. I didn't have to explain anything.

Q. They knew what the rate was before they began to work? A. I would say so.

Mr. Riddle: I have nothing further at this time, Your Honor.

The Court: All right.

### **Cross-Examination.**

By Mr. Randall:

Q. Mr. Endermuhle—Am I pronouncing that correct?

A. Endermuhle.

Q. Mr. Endermuhle, you are a foreman at the present?

A. Yes, sir.

Q. And where are you now, sir? A. Moloney Electric.

[504] Q. And what is your rate of pay, sir? A. \$6.60 an hour.

Q. \$6.60. And do you work considerable overtime out there? A. We are on a 9-hour day out there at Moloney.

Q. And what, sir, do you make per week? A. On this particular job, I am drawing approximately \$350 a week.

Q. Now, sir, have you been a foreman a long time? A. Yes, sir.

Q. And as I understand it, for a brief period of time you also acted as a steward? A. This is correct.

Q. And you made collections from people, in the early years before you got checkoff, you collected their assessments, or at least part of them? A. This is correct.

Q. And some of the people went to the hall and paid their dues and assessments? A. This is correct.

Q. And the dues and assessments are required by your By-Laws and Constitution? A. This is true.

Q. And if they are not paid, the By-Laws and [505] Constitution provide for the expulsion of the man; isn't that correct? A. This is correct.

Q. And also your contract, your union contract provides that in order to work, they must either be members of the union or become members if that's offered to them, doesn't it? A. This is correct.

Q. After they are employed, they have a period of thirty days to become a member? A. This is correct.

Q. Or they may be fired if they do not? A. Right.

Q. Now, on this Voluntary Fund, you say that you collected that on occasions. Did you ever—what did you tell the men with respect to the Voluntary Fund? Did you hand out any cards to any new men? A. I did.

Q. And when you did that, what did you say to them and what did you do? A. I merely asked them to sign the cards if they cared to contribute to our Fund. And all of them went along with it.

Q. Did they read the card? A. Yes.

Q. And does the card say that it is purely voluntary, [506] and they may quit at any time? A. It does.

Q. And as a foreman down through the years, sir, have you ever put any pressure on any man to contribute to this Voluntary Fund?

Mr. Riddle: I will object to that use of the word "pressure." That is a conclusion, Your Honor.

The Court: All right. Sustained as to form.

Q. (By Mr. Randall) Have you ever threatened anybody if he did not contribute?

Mr. Riddle: I object to that. Threatening is also a conclusion.

The Court: Well, it may well be, but I think that he may ask that question.

The Witness: No, sir.

Q. (By Mr. Randall) Have you ever told any man that if he did not contribute to the Voluntary Fund that you would see that he was fired? A. Never.

Q. Have you ever told any man that if he did not contribute to the Fund that you would see that he didn't get overtime, or anything of that nature? A. Never. And I've never heard of it.

Q. Has anyone in Local 562, Mr. Callanan, Mr. Lawler, [507] or Mr. Seaton, ever said anything to you with respect to this type of statement to the men that worked for him? A. Never.

Q. Have you attended, sir, meetings of the Voluntary Fund that were held on Sunday? A. I have never been to Sunday meetings; no.

Q. You never were there. And, sir, what is your political affiliation? A. I'm primarily an independent voter.

Q. Now, with respect to this man Copeland, where did he work for you, sir? A. At McDonnell Aircraft job.

Q. At the McDonnell Aircraft job? A. Right.

Q. And as I understand, he didn't pay to the Voluntary Fund? A. To the best of my knowledge, he never did.

Q. And how long did he work for you out there? A. I'm roughly guessing, three to four months.

Q. And what occasioned his departure? A. He quit of his own accord.

Q. He just quit? A. Yes.

Q. While he was working for you and not paying to the [508] Fund, did you make any statement to him of any type of all that if he didn't pay he would be fired? A. Never.

Q. Did anyone make any such statement to you with respect to this man? Did anyone say anything to you at all concerning whether he would be fired if he didn't pay? A. Never.

Q. Did anyone make any statement to you at all with respect to the fact that he was not paying? A. Never. No comments.

Q. Have you always contributed to the Voluntary Fund? A. I always have; yes.

Q. Have your contributions been voluntary? A. Strictly.

Q. Are you still contributing? A. Yes.

Mr. Randall: That's all.

The Court: Anybody else have any questions?

Mr. London: No question, Your Honor.

Mr. Daly: No questions, Your Honor.

The Court: Mr. Riddle?

Mr. Riddle: Your Honor, I don't believe I have anything further of this witness now, but if we could, after the noon recess I might want to call him back and examine him.

[509] The Court: Well, all right. I guess we will recess now until quarter to 2:00. Members of the Jury, bear in mind the admonition I have given you heretofore. Just a minute. Would you step up, Mr. Riddle?

(Witness excused.)

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[585]

**NORMAN BAKER,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, your name is Norman Baker? A. Yes, sir.

Q. And your address is Cape Girardeau, Missouri? A. Yes, that's true.

Q. Mr. Baker, how old are you? A. I'm thirty-seven.

Q. And at the present time, where are you employed?  
A. I work for Mississippi River Fuel across the river.

Q. By "across the river," you mean over in the East St. Louis area? A. Well, it is down by the Jefferson Barracks Bridge.

Q. All right. What kind of work are you doing there for that company? A. We are laying a pipeline over there.

Q. Do you have a particular trade or skill? A. Yes, I am a welder.

Q. All right. Sir, at the present time are you a member of any union? A. Yes, I am.

Q. And what union are you a member of? [585] A. I belong to the 798 in Tulsa, Oklahoma.

Q. 798, Tulsa, Oklahoma. And what is the name of that union or local? A. That's the Pipe Liners Local.

Q. Pipe Liners Local. Sir, can you tell the Court and jury if that's affiliated with the United Association of Pipe Fitters? A. Yes, it is.

Q. How long have you been a member of that local? A. About two years now.

Q. Sir, before your membership in 798 in Tulsa, were you a member of another local? A. Yes. I belonged to Local 318 at Cape Girardeau, Missouri.

Q. How long a period of time were you a member of the Cape Girardeau local? A. Around five years.

Q. That would be roughly from about 19 and 60 up to 1965 or '66? A. Yes.

Q. Sir, as a welder, or pipefitter, did you receive any training to prepare you for your work? A. Yes. I went to school for it.

Q. And where did you go to school? [586] A. I attended Jackson Welding School here in St. Louis.

Q. All right. Now, at the time that you were a member of Local 318 down at Cape, sir, did you have occasion to work on any jobs that were under the jurisdiction of the St. Louis Pipefitters, namely, Local 562? A. Yes.

Q. Can you tell the Court and jury what jobs you worked on that were under their jurisdiction? A. I worked on one job in Mexico, Missouri, and I worked a couple jobs in St. Louis, one, Busch's brewery, and another small job, and I also worked a job in Louisiana, Missouri, for them, and one in Cape Girardeau, Missouri.

Q. These jobs that you worked on under 562 jurisdiction, can you tell us about what date they were, and if I may, I'll mention them one at a time. The union down at Cape Girardeau, can you tell us about what date that was? A. Well, I don't know the exact dates. It is approximately two years ago, before I went into the Pipe Liners.

Q. Is that the last job that you worked on? A. Yes.

Q. As a member of 318 and under 562's jurisdiction?

A. Yes, sir.

Q. How long did you work on that job? A. I'd say a couple months.

[587] Q. Now then, the job that you worked on before Cape, where was that, if you recall? A. I don't recall in just what order they were in.

Q. All right. Well, can you tell us about what year it was that you worked on the job at Louisiana, Missouri?

A. I'd say the Louisiana job was probably around '64.

Q. '64. All right. Now then, what about the job down at the Busch Brewery here in St. Louis? A. I am not sure. I'd say around '65.

Q. All right. And the Mexico, Missouri, job? A. I'd say it was around '63.

Q. All right. During the time that you were a member of the Cape Girardeau local, did you work on jobs under their jurisdiction? A. I think I worked three jobs.

Q. Three jobs under the Cape Girardeau— A. Three or four; yes, sir.

Q. And where were those jobs located area-wise? A. One was in Sikeston Hospital, and I believe I worked a while for Burke Heating & Plumbing.

Q. Burke Heating & Plumbing, in Cape Girardeau? A. Yes.

Q. All right. A. And they had a job, I don't recall just who it was [588] laid a sewer line there, but I don't remember the man's name, but I worked on that job.

Q. Do you recall any other jobs that you worked on that were under the Cape's jurisdiction? A. No, sir, not offhand I can't.

Q. All right.

(Thereupon Government's Exhibits Nos. 112 and 113 were marked by the reporter for the purpose of identification.)

Q. Now, sir, as a member of the Cape Girardeau local, did you pay dues and assessments to that union? A. Yes, I did.

Q. Do you recall what they were? A. The assessments for 318 were a dollar a day.

Q. One dollar per day? A. And the dues, I don't recall just what the dues were at this time. They were five dollars or six; something like that.

Q. Per month? A. I'm not sure of that.

Q. All right. But you paid an assessment of \$1.00 a week and some regular dues.

Mr. Daly: I object to that. \$1.00 a day.

Mr. Riddle: Well, \$1.00 a day. I am sorry. That's right. Thank you.

[589] Q. (By Mr. Riddle) Now, sir, during the period of time that you were still a member of the Cape local and worked on jobs for 562, did you continue to pay the Cape Girardeau assessments and dues? A. Yes, sir.

Q. The full amount? A. Yes, sir.

Q. Sir, I will hand you what has been marked Government's Exhibit No. 112, and ask you to examine it and see if you can identify it for the Court and jury, please? A. Well, it's a Vountary Contribution Fund here where something I signed.

Q. Did you sign it? A. Yes, sir, that is my signature.

Q. And what is the date that appears on it? A. January 10 in '63, sir.

Q. Is it witnessed? A. Yes, sir.

Q. Do you know the person whose name—

Mr. Randall: Your Honor, I am going to object until the exhibit is admitted into evidence, as to his bringing out the contents of the exhibit.

The Court: Well, I think he can say who witnessed it.

Q. (By Mr. Riddle) Sir, do you know the person's name [590] who witnessed it? A. No, I don't.

The Court: What is the exhibit number?

Mr. Riddle: Your Honor, that is Exhibit 112.

Q. (By Mr. Riddle) Do you remember when this card that is labeled "Voluntary Contribution Agreement" was given to you? A. No, sir, I don't remember that.

Q. All right, sir. Sir, did you sign it? A. Yes.

Q. Will you tell the Court and jury why you signed it? A. Well, I was under the understanding that when you worked under 562's jurisdiction, you paid them their adoby—they call it adoby—\$2.00 a day, and they give you this card to sign as you come in to show that you agree to pay that.

Q. You used the word "doby"? Is that d-o-b-y? A. I'm not sure of that.

Q. How are you pronouncing it, sir? A. I just always just pronounced it adoby.

The Court: Dogie, isn't it?

Mr. Riddle: Doby.

A. Doby.

Q. All right, sir. Sir, are you familiar with the term "boy"? Have you heard it used by people on jobs, [591] pipefitters, your associate? A. Yes, sir.

Q. Before you signed this card, that is, Government's Exhibit 112, had you heard about such cards being in existence before then?

Mr. London: I object to this, Your Honor, as calling for hearsay.

The Court: What have you got to say about it?

Mr. Riddle: Well, it very possibly would be hearsay, but the exception would be it is not offered for the purpose of proving the existence or the fact that there was such a word around, but for the purpose of clarifying and explaining the conditions that existed and the terminology used by members working on the local jobs.

The Court: All right. It will be overruled. He may testify.

The Witness: Had I heard about this card?

Q. (By Mr. Riddle) Yes. A. No, sir. Just that you just paid them their money.

Q. Sir, at the time that you signed this card, were you told that, or did you understand that signing this card was a condition precedent to your working on one of the 562's jobs?

Mr. Randall: Your Honor, I am going to object to that question. It is leading and suggestive.

[592] The Court: Be sustained.

Q. (By Mr. Riddle) All right. Well, now sir, at the time that this card was presented to you, do you recall if it was presented to you by a foreman on a 562 job, or a steward? A. I believe these cards were given out by the steward.

Q. By the steward of the Union? A. Yes, sir.

Q. And that would be a steward of Local 562? A. Yes, sir.

Q. All right. Now, after you signed this card, did you continue to make—did you then at that time continue to make payments to the steward on these jobs? A. Yes, sir.

Q. And how much per day, or how much did you pay?

A. Well, the latter part of the time was \$2.00 a day.

Q. And during the earlier part, that would be in January of 1963, do you recall what it was per day? A. Well, it was a dollar a day.

Q. All right. I'll show you what has been marked Government's Exhibit No. 113, and ask you to examine that and see if you can identify it? A. It's the same as the other where I signed to pay the \$2.00.

Q. And what is the date of that? Can you tell the [593] Court and jury? A. It is May 17, in '65.

The Court: What is that exhibit number?

Mr. Riddle: This is Exhibit No. 113, Your Honor.

Sir, do you recall the occasion for signing a second card that is labeled or headed "Voluntary Contribution Agreement"?

A. I believe each job you started, that you signed one of these cards.

Mr. Riddle: All right. If it please the Court, at this time the Government would like to offer into evidence its exhibits Nos. 112 and 113.

Mr. Randall: Your Honor, may I be permitted to see the exhibits first?

The Court: Sure.

Mr. Randall: Thank you.

(Defense counsel look at exhibits.)

Q. (By Mr. Riddle) Now, sir with respect to these payments that you have described and characterized as doboys, how did you learn that the doby had been increased from \$1.00 a day to \$2.00 a day? A. I just heard that they had increased the doby from a dollar to two dollars. Just when they increased it, I don't recall, and maybe some of the local men told me. I'm not sure.

Q. And did the steward on the job tell you that, [594] sir, if you know?

Mr. Daly: I will object to that; leading and suggestive.

The Court: All right. Don't lead him.

The Witness: I don't recall.

Q. (By Mr. Riddle) All right, sir. Now, during the period of time that you were paying this \$2.00 a day doby into 562, were you paying your regular dues and assessments to the Cape Girardeau local? A. Yes, I was.

Q. Now, sir, at the time that you were working on a job down at Cape Girardeau, Cape College, do you recall that period of time? A. Yes.

Q. And how far did you live from that job where you were working there at Cape? A. Oh, I would say about a mile and a half.

Q. Now, sir, were other members of the Cape local working on that job? A. Yes, sir, they were.

Q. Now, during that period of time, did you pay the \$2.00 doby to stewards on the 562 job? A. I don't recall if the steward collected the money, or the man that I was working for. I remember one time that [595] the boss, I gave the money to him. I don't remember now if I paid their steward the money or not. I do recall paying the man that is there the money.

Q. In any event, you paid the money to somebody? A. Yes, sir.

Q. Did you ever get a receipt? A. No.

Q. At any time when you made this \$2.00 a day doby payment? A. No, I have never seen a receipt.

Q. When you paid your dues and assessments at your own Local 318, did you get receipts? A. Yes, sir.

Q. And had a book showing current payments? A. Yes.

Q. Now, sir, have you worked at jobs around over the country for other locals other than 318 and 562? A. Yes, I have.

Q. Are you familiar with the term "travel card"? A. Yes.

Q. What is a travel card? A. It is a card issued by your home local, which allows you to go to another local and work out of their jurisdiction.

Q. All right. And what is the procedure used for [596] obtaining the travel card, and just how do you go about using it? A. Well, in my case I went to the business agent and tell him I'd like to—like you don't have any work in your jurisdiction, and you want to go someplace, tell him you'd like to go to another local and obtain some work, and he will issue this travel card to you, and you deposit it in the other local.

Q. All right, sir. And how much does the travel card cost you per month? A. The travel card is \$8.00 per month.

Q. Sir, did you get a travel card when you worked on Local 562 jobs? A. No, sir.

Q. Sir, after you were working on the job down at Cape Girardeau, did you travel or did you move to another job? A. Yes.

Q. Where did you move to? Or what other job did you go to? A. I went from there to a pipe line job in Jackson, Missouri.

Q. All right. And who was that for? A. That was for Cape Construction.

Q. Were you under the jurisdiction of either of the [597] other locals at that time? A. 562 had charge.

Q. All right. Did you pay the doby while you were on that job? A. I don't think we did.

Q. On the job at Jackson? A. No, sir. I don't think we paid it.

Q. Do you know why you didn't?

Mr. Daly: I object to that, Your Honor. It calls for a conclusion on the part of this witness.

Mr. Riddle: He can tell why he didn't pay it.

The Court: He can say what he did.

The Witness: If I remember right, I don't recall just what the reasons were—told us we didn't—

Mr. Daly: This is hearsay, Your Honor.

The Court: All right. Be sustained.

Q. (By Mr. Riddle) Just state why you didn't pay it, if you recall. A. Well, for some reason I didn't require it, if I remember correctly.

Q. Did you want to voluntarily pay it to anyone? A. No, sir, I didn't want to volunteer for it.

Q. All right. Sir, these cards that you signed, did you sign those of your own free will and volition? [598] A. Well, I knew I had to sign them, yes, sir, if I wanted to work.

Q. Did you want to make the payment of these doboys? A. Well, I never hardly thought of it in that way. It was just, it was my understanding if I wanted to work and wanted to get a job, that I had to sign, so I just went ahead and signed it.

Q. What about the payments? A. Well, you had to make payments too.

Q. All right, sir. Now, sir, did you, at the time that you left your Local 318, did you join another local? A. Yes, I did.

Q. And while you were working at 318, did you go to Nashville, Tennessee, and work on a job? A. Yes, sir.

Q. Do you recall what that job was? A. It was for DuPont Company in Nashville.

Q. All right. Did you work under the jurisdiction of a pipefitters local in Nashville? A. Yes, sir.

Q. And did you pay them a doby?

Mr. Randall: Your Honor, I am going to object to this as being immaterial and irrelevant.

The Court: Be overruled.

[599] The Witness: No; just a travel card.

Q. (By Mr. Riddle) Just a travel card. And that was \$8.00 a month? A. Yes, sir.

Q. All right, sir. Well, sir, will you tell the Court and jury why you left the Cape Girardeau area and went to Nashville, Tennessee, to work for another local?

Mr. Randall: I am going to object to this as being irrelevant and immaterial.

Mr. Riddle: It is very material and very relevant, Your Honor.

The Court: All right. Be overruled.

The Witness: That was the closest place that I could get a job at that time.

Q. (By Mr. Riddle) I see. Did 562 have any jobs going on in your area in southeast Missouri? A. Yes, sir.

Q. Could you get a job with them? A. No, sir.

Q. All right, sir. Now, have you worked at any other place other than Nashville while you were a member of Local 318? A. Yes, sir, I have.

Q. What are the other places? A. Well, I worked in Denver, Colorado, and I can't recall.

[600] Q. Well, in Denver, Colorado, was that under the jurisdiction of a local pipefitters union out there? A. Yes, sir, it was.

Q. Did you pay the eight-dollar travel card to them? A. Yes.

Q. Did you pay them any doby? A. No, sir.

Q. Did you pay this so-called doby to any other local anywhere in the country, other than 562?

Mr. Randall: I will object, Your Honor; irrelevant and immaterial.

The Court: It will be overruled.

The Witness: No, I haven't.

Q. (By Mr. Riddle) All right, sir. Sir, during the period of time that you were working on the job down at Cape, and under the jurisdiction of 318, did you make any voluntary political contributions to your local union there, 318? A. No.

Q. Did they ever ask you to? A. I don't recall that they ever asked me.

Q. All right. Sir, did you ever make any voluntary, or make any contributions to 562, or to any of their stewards, or to their foreman, except for the times that you were working on their job? [601] A. I have never given them anything other than the adoby money:

Q. Sir, are you familiar with the term "assessment"? A. Yes, sir.

Q. What do you understand an assessment to be? A. Well, it is the same as this doby. A certain per cent, like you call a two-dollar a day, you call that an assessment. In some places locals deduct a certain per cent from your paycheck, which is an assessment.

Q. Sir, are you using the words assessment and doby interchangeably? To you do they mean the same thing? A. They mean the same thing to me; yes, sir.

Q. Sir, does this doby, as you use it, to you mean the privilege to work on a 562 job?

Mr. London: I will object to the form of the question.

The Court: Be sustained as to the form of the question.

Q. (By Mr. Riddle) Sir, where did you first hear the word "doby"? A. Oh, it is—when I first began the trade—it is a word used by craftsmen, and I picked it up from them.

Q. Was this down in the Cape Girardeau area? A. Yes, sir.

[602] Q. All right. Sir, you testified that you are no longer a member of Local 318 down in Cape. You are a member of a local out in Tulsa, Oklahoma, No. 798. I believe you also testified that your residence is still Cape Girardeau, Missouri? A. Yes, that's true.

Q. Will you tell the Court and jury why you transferred your membership from Cape to 798 out in Tulsa?

Mr. Randall: Your Honor, I will object to this as irrelevant and immaterial.

Mr. Riddle: Your Honor, it is very relevant and material.

The Court: Well, come up.

(Thereupon, the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury.)

The Court: What is the relevancy of it?

Mr. Riddle: The relevancy of it is that he left because he was objecting to paying \$2.00 a day for the right to work on a job that is a mile or so from his home there in Cape Girardeau. He just got tired of paying this doby for those jobs. For that reason he transferred his membership.

Mr. Randall: I don't see what this has to do with 562, to transfer his membership from 318.

Mr. Riddle: That was to get away from 562 jobs and the payment of these dobys.

[603] The Court: Well, what does that prove?

Mr. Riddle: Well, Your Honor, it tends to prove that this is a man who did not want to continue to voluntarily pay into the Fund.

The Court: I see. OK. The objection will be overruled.

Mr. London: May we add to the objection, Your Honor, merely because it was his understanding is in no way binding upon any of the defendants.

The Court: Well, first of all, Mr. London, that is something to bring out on cross-examination.

Mr. London: I want the record to show it at this time, at this point, as an additional ground for our objection.

The Court: Well, I am overruling it.

(Thereupon, the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Did you understand the question, sir?

The Witness: Would you repeat it for me?

(The question was read by the reporter as follows: "Will you tell the Court and jury why you transferred your membership from Cape to 798 out in Tulsa?")

A. My reason for transferring was that I was constantly working out of town, and if I was going to work out of town, I could make more money working pipe line work, more money than I [604] could in the building trades, so I just transferred my book into that local.

Q. Sir, did it have anything to do with—

Mr. London: I object to the form of this question, Your Honor.

The Court: Be sustained.

Q. (By Mr. Riddle) Have you paid this doby since you left, or since you joined 798? A. No, just dues.

Q. Just dues. Sir, all the time that you were paying the doby into 562, did you ever pay it by check? A. No.

Q. Always in cash? A. Yes, sir.

Q. Never got a receipt? A. No.

Q. Sir, were you ever notified—well, strike that. Did you ever attend a meeting of the membership of Local 562? A. No, sir.

Q. Have you ever seen a notice of a meeting? A. No, sir.

Q. Sir, were you ever sent a notice of a meeting from 562, or anybody connected with 562, relating to the handling of the money that was paid into this Voluntary Political Fund? [605] A. No, sir.

Q. Do you know how the money was used? A. No, I don't.

Q. Did anyone ever tell you how it was used? A. No, sir.

Q. Did you ever ask? A. No.

Q. Why didn't you ask?

Mr. Randall: Your Honor, I am going to object to his mental processes as to why he wouldn't do a certain thing.

The Court: He may answer.

The Witness: I always felt it was better that I didn't ask.

Q. (By Mr. Riddle) Can you explain that answer?

Mr. London: I will object to that, Your Honor. That is a roving commission and conclusion.

The Court: All right. I will sustain the objection to that.

Mr. Riddle: We have nothing further, Your Honor.

Mr. Randall: Your Honor, I request grand jury testimony or statements of this witness.

Mr. Riddle: There is no grand jury testimony.

The Court: Do you have any statement?

Mr. Riddle: No.

[606] The Court: Let the record show there were no grand jury notes or no statement.

Members of the Jury, I am going to give you about a five-minute recess. I have an arraignment I want to take care of. You may step down, Mr. Witness.

(Following a brief recess, Norman Baker, having previously been sworn, resumed the Witness stand, and the further following proceedings were had before the jury:)

The Court: Who is going to do the interrogation?

### Cross-Examination.

By Mr. Daly:

Q. Mr. Baker, prior to the time that you came in here this morning to testify, did you talk to someone about this case? A. Some of the boys asked me about it on the job.

Q. I mean somebody from the United States Attorney's office, or an F. B. I. agent, or one such as that? A. Yes, I have.

Q. And at the time you talked to them, were they taking some notes from your statement? A. Yes, they were.

Q. Were you asked to sign anything at the time you finished? A. I don't—No, I don't think I did.

[607] Q. But they did take some notes of what you had said? A. Yes.

Q. When was this? Could you tell us? A. I believe this was Thursday.

Q. Last Thursday you talked to them? A. Yes.

Q. This is Monday, and you are talking about—— A. Yes.

Q. This is Monday, and you are talking about Thursday. Is this the first time you talked to anybody about the matter? A. Yes.

Q. Now, you have identified what's been marked as Government's Exhibits 112 and 113 as photostats of cards that you had signed; is that correct? A. Yes:

Q. Do you now recall signing both of those cards? A. Well, I don't recall signing them, but they are my——

Q. Is that your signature? A. Yes.

Q. You don't say this is not your signature, do you? A. No, it is not——

Q. Let me hand you what's been marked Government's Exhibit 113, and ask you to read this, if you will please. A. You mean the whole thing here?

[608] Q. Yes, sir. A. It says, "I, the undersigned, of my own free will and accord, desire——

The Court: A little bit slower, Mr. Baker.

Mr. Daly: Would you just start from the top? Everything that is on the card. A. Oh, all right. It says, "Voluntary Contribution Agreement."

It says, "I, the undersigned, of my own free will and accord, desire to make regular contributions to the Political, Education, Legislative, Charity and Defense Fund which has been established and will be maintained by persons who are members of Local Union No. 562.

"I, therefore, agree to hereafter contribute \$2.00 per 8-hour day to said fund and authorize my contributions to be used and expended by those in charge of the fund, in their sole judgment and—for political, educational——

The Court: You left out "discretion," did you not?

The Witness: Yes. "—discretion for political, educational, legislative, charity and defense purposes."

It says, "I understand that contributions are voluntary on my part and that I may revoke this agreement by a written notice to that effect mailed to the fund or to persons in charge thereof. I also understand that my contributions are [609] no part of the dues or financial obligations of Local Union No. 562, and that the union has nothing whatsoever to do with this fund."

Q. Now, did you sign that card? A. Then my signature.

Q. Did you read that card at the time that you signed it? A. No, never read it.

Q. You didn't read it prior to the time that you signed it? A. No.

Q. How about the other card you signed in 1963, which is Government's Exhibit 112, that you indicated you signed? Did you read the card on that occasion? A. No.

Q. You just signed the card on both occasions without reading it; is that correct? A. Yes, sir.

Q. You indicated while you were working under 562 jurisdiction, you were still paying into your own local union, which is 318; is this correct? A. Yes, sir; that's true.

Q. You were not paying any union dues as such to Local 562, were you? A. No, I paid no union dues.

[610] Q. The only thing you paid while working under 562's jurisdiction is what you had agreed to pay on this voluntary card; is that correct? A. \$2.00 per day; yes.

Q. All right. Now, you indicated that you have worked in other locals throughout the country and on a travel card where in you paid \$8.00 a month; is this correct? A. That's right.

Q. Now, on those occasions when you were working in Denver and some other places you mentioned, and you paid the \$8.00 a day?

The Court: \$8.00 a month.

Mr. Daly: I am sorry. \$8.00 a month travel card to that local where you were working. Did you also pay your union dues back to 318 at the time? A. Yes, sir.

Q. You are now a member of Local Union 798; is that correct? A. That is true.

Q. And you indicated to Mr. Riddle that you still live in Cape Girardeau? A. Yes.

Q. Local 798's headquarters are in Tulsa, Oklahoma, is that correct? [611] A. Yes.

Q. How many of the members that you actually know live in Tulsa? A. Well, I don't know of any that live in Tulsa; no, sir.

Q. What is the jurisdiction of Pipefitters Local 798? Do you know? A. They cover several states; all but maybe four or five states.

Q. Of the fifty states, they cover all but four or five? A. Yes.

Q. And men who are members of 798 work all over the country; is that right? A. That's true.

Q. Does your Local 798 now have a voluntary political fund? A. They have a one and a half per cent assessment when you are working in their jurisdiction.

Q. I am talking—You are a 798 member; is this correct? A. Yes.

Q. And you pay your 798 dues; is this right? A. This is true.

Q. I am asking you whether 798, in fact, doesn't in fact have a voluntary political fund that is collected much [612] the same as 562's is collected? A. No, they have never collected anything from me.

Q. I am not asking—You haven't paid anything; is this correct? A. No, I haven't paid anything.

Q. Do you know whether or not they have a fund or not? A. As far as I know, they don't have a fund.

Mr. Daly: I have no further questions.

Mr. Randall: I have a few questions.

**Cross Examination.**

By Mr. Randall:

Q. Mr. Baker, when you first went to work for 798, did you work on a travel card? A. No.

Q. You applied and got admission to membership immediately? A. No. It took about a month.

Q. Well, you were on a travel card? A. I wasn't on travel card.

Q. They didn't collect the travel card? A. No.

Q. The \$8.00 per month? A. No.

Q. Sir, are you aware of the fact that under the [613] Constitution and By-Laws of the National Association, that if a local accepts payment for a travel card, that after a period of time they must accept you as a member of the local? A. I have heard that said.

Q. You know that, don't you, sir? A. (Indicating yes.)

Q. And that some of the locals refuse to accept the payment for the travel card in order to avoid flooding their local with members when they have these out-of-town-ers work? You are aware of that, aren't you? A. I have heard it said; yes.

Q. Sir, as I understand it, on at least one of the jobs that you worked under Local 562, you did not contribute to the Voluntary Fund? A. The pipe line job, they accept no adoby for that job.

Q. Well, you did not contribute; you didn't make any payments? A. I don't recall that I did.

Q. Did you work under 562 after that job? A. No.

Q. That was your last job with 562? A. Yes.

Q. Did anybody—Did you try to get a job after that?  
[614] A. I've asked the business agent of 318 if they had any work, and he'd always say they didn't have any.

Q. I see. In other words, you did try to work for 562 at subsequent times? A. Well, I tried to work at 318.

Q. Tried to work for 318. Have you ever tried to work for 562? A. I don't recall that I ever have since I went to 798.

Q. Since you went with the Pipe Line people? A. That's right.

Q. And you say the reason you went with the Pipe Line people is because with your training and experience you can make more money with them? A. Well, I was working out of town all the time, so I figure I might as well just join the Pipe Line local.

Q. And you could make more money with them? A. That's true.

Q. And you have the security of the fact that you are a member of that local too now? A. Yes.

Q. Did you ever talk to Mr. Callanan, or Mr. Lawler, or Mr. Seaton? A. I've talked to Mr. Lawler a couple times.

Q. Did you ever talk to them about the political [615] voluntary contributions? A. No, I never have.

Q. Neither of those three people ever told you you had to contribute in order to have employment with Local 562 jurisdiction, did they, sir? A. No.

Q. Did any other officer of Local 562 ever tell you that? A. No, they never told me that.

Q. In fact, no one associated—a steward didn't tell you that either, did he? Did they? A. No.

Q. No one ever associated with this union ever told you you had to make those contributions, did they? A. No.

Q. This was just something that you just more or less assumed in your mind because the other people were doing so? A. Well, it was from other people that worked and paid, they told me that you had to pay this thing. It was just an understanding that if you worked in the jurisdiction, you paid it.

Q. I said, in other words, this is just something that you sort of gathered from rumors, and things of that nature? A. You could call it that.

[616] Q. Did you ever inquire as to whether some of the other people were not making the contributions? A. You mean did I ever inquire of anybody—

Q. See if some of the people were not so contributing and still working? A. No.

Q. You didn't make any general inquiry about the matter, either with the local or with the membership? A. No.

Q. And you say you never did attend any of the meetings of the local? A. Not of 562.

Q. 562. Did you ever attend any meetings of the Fund itself? A. No.

Q. You didn't do that. Were you ever down at the Electricians' hall down here in St. Louis? A. No, I can't say I was.

Q. Were you ever down at the Pipefitters hall here in St. Louis? A. Yes, I have been down there.

Q. And you went there for the purpose of being referred out for work. Is that the reason you were there? A. Yes.

[617] Q. Did you ever go for any other purpose? A. I don't remember that I ever did.

Q. You never went there to make any inquiry about the Voluntary Fund? A. No.

Mr. Randall: That's all, Your Honor.

The Court: Any other questions of this witness?

Mr. Nangle: I have no questions.

The Court: Any redirect?

Mr. Riddle: Yes, Your Honor.

**Redirect Examination.**

By Mr. Riddle:

Q. You testified in answer to one of the questions propounded to you that you did not read these cards before you signed them? A. No, sir, I didn't.

Q. Will you tell the Court and jury why you didn't read them? A. Well, they always approached you with a card and said, "Sign this card to authorize to give the \$2.00 a day." And so I just went ahead and signed it.

Q. Sir, you were asked about revoking the card. Did you ever revoke this card at any time while you were working for them? [618] A. No, sir.

Q. Why didn't you? A. Well, I wanted to keep on working, so I didn't revoke it.

Mr. Riddle: I have nothing further of this witness. Just a minute.

The Court: Any other cross?

Mr. Daly: I haven't.

Mr. London: No.

Mr. Randall: None, Your Honor.

The Court: You may step down.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. Riddle: If it please the Court, Mr. Daly asked this witness, the last one that appeared, Mr. Baker, if someone had ever talked to him and if he had signed a statement, and he said he had not signed a statement.

I did interview this man: As far as I know, I am the only member of the United States Attorney's office that did. I scribbled some notes and dates on a piece of paper, which I have. I didn't consider those statements as such. They were just my notes. If the counsel for the defendants would like to take a look at them, I will be glad to show them to them.

[619] Mr. Randall: We would like to see them, yes. We would have to have the witness available.

The Court: He's there.

(Mr. Riddle handed paper to defense counsel.)

Mr. Randall: Your Honor, we have no further questions.

The Court: Let the record show that Mr. Riddle's notes were made available, and defense counsel, after reading them, said they had no further interrogation of the witness. All right. You may be excused, Mr. Baker.

(Witness excused.)

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**JOHN PATRICK O'LAUGHLIN,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, will you state your full name for the Court and jury, please? A. John Patrick O'Laughlin.

Mr. London: May I have a spelling of that?

The Court: O'Laughlin.

Mr. London: I am, sorry..

Q. (By Mr. Riddle) And your address, sir? A. 2960 Wellington Drive, Florissant, Missouri.

[620] Q. How old are you, sir? A. I'll be fifty-five in October. I'm fifty-four now.

Q. Are you a pipefitter? A. Yes, sir.

Q. A member of Local 562? A. Yes, sir.

Q. How long have you been a member? A. It will be thirty years the 15th of this month.

Q. Thirty years? A. Right.

Q. Have you been a dues paying member for that period of time? A. Yes, sir.

Q. Now, as of now, who are you working for? A. Natkin Company.

Q. Natkin. A. N-a-t-k-i-n & Company.

Q. What project are you working on? A. Well, they have three jobs in the City and three outside. It is my job to ride around and look in on all of them.

Q. Sir, are you what they call a traveling superintendent, or riding superintendent? A. Riding boss, they usually term it; yes, sir.

[621] Q. And you have, at this time, three different jobs under your over-all supervision?

The Court: Six, isn't it?

The Witness: I would say five.

Q. (By Mr. Riddle) Five? A. Yes, sir.

Q. How long have you been what you refer to as a riding superintendent? A. I'd say about seventeen months.

Q. What were you before that? A. Well, general foreman, area foreman; foreman; pipefitter.

Q. Now, how long were you foreman? A. This is a little hard to describe. I'd say about five to ten years.

Q. That is, before you became a riding superintendent? A. Yes, sir.

Q. Five to ten years? A. Somewhere in that neighborhood.

Q. And before that, you were just a journeyman pipe-fitter? A. Well, when you get these foreman jobs, you aren't foreman all the time. As the manpower requires a foreman, then they elevate a man to foreman.

Q. Sir, who selects you to be a riding superintendent? [622] A. Who selects me?

Q. Yes. How do you get that appointment? A. Well, I was sent out from the hall as a riding foreman.

Q. Will you tell the Court that the hall of 562 designates you as the riding superintendent? A. Yes, sir.

Q. And who in the hall makes that designation? A. Well, in this particular case, Mr. Callanan sent me out.

Q. Mr. Lawrence Callanan? A. That's correct.

Q. Was your transition from a foreman to a riding superintendent, was that a promotion? A. I would say so.

Q. All right. Now, are you telling the Court and jury that Mr. Callanan made this promotion, or gave you the increase? A. I would assume so.

Q. Now, while you were a foreman, who designated you, or appointed you to that position? A. Well, sometimes the general foreman on the job; sometimes you are sent out as a foreman from the hall.

Q. All right. Well, were you appointed foreman or [623] named foreman in much the same way you were named riding superintendent? That is, by the hall, or some person at the hall? A. Usually, yes.

Q. And if you were demoted from riding superintendent, or from foreman, you would go back to being a regular pipefitter? A. Yes, sir.

Q. Is there a difference in your work rate or your wages? A. Yes, sir.

Q. How much difference is there between what you would get per hour as a riding superintendent and what a regular pipefitter, journeyman pipefitter would get an hour? A. I'd say two dollars ninety-seven and a half cents.

Q. Per hour? A. Well, let me think a minute.

Q. All right, sir. A. I'd say two dollars thirty-seven and a half.

Q. All right. Now, how much of an increase in pay was there when you were promoted from foreman to riding superintendent, per hour? A. Well, I was a general foreman before I got the foreman, so a dollar an hour more.

Q. A dollar an hour more for riding foreman over regular foreman? [624] A. Right.

Q. Sir, during the period of time that you were foreman, were you also a steward for the Union? A. On various jobs. Not all of them.

Q. How are you appointed a steward? A. This also comes from the hall.

Q. From some person or officer at the hall? A. Usually.

Q. Now, sir, as a steward do you get any additional compensation? A. No, sir.

Q. This is a non-paying job? A. Right.

Q. What are the privileges, or emoluments, or responsibilities of a steward on a job? A. There are no privileges that I know of. You just stand up for your working conditions.

Q. All right. You are the hall spokesman on that particular job? A. More or less; yes.

Q. And you communicate to the hall messages and complaints from the members? A. Yes, sir. Any jurisdiction, or things like that.

Q. Does this also include complaints or communications [625] from the hall? A. Yes, sir.

Q. Now, sir, beginning—Let me rephrase that question a little bit. Do you recall the job out at McDonnell Aircraft in 19 and 63? A. Vaguely.

Q. And what was your position or title at that time? A. General foreman, if I recall.

Q. And who was the contractor on that job? A. General Installation.

Q. General Installation? A. Yes, sir.

Q. How long were you out there on that particular project, if you recall? A. I'd have to guess on that. I think about four, five months; somewhere in that neighborhood.

Q. Sir, this would be in 1963? A. That was the time we had the strike. In other words, we were out there and we were off the job during the strike, and then I went back out there.

Q. All right, sir. Now, with reference to this strike, do you recall that after the strike the union dues and assessments were checked off by the company? A. Yes, I believe so.

[626] Q. Before this strike, how were the dues and assessments checked from the members? A. The dues and assessments you paid yourself.

Q. All right. How did the members pay them? Did they pay them to you? A. No, sir, not dues.

Q. Not dues? A. No.

Q. All right, sir. Now, during the thirty years that you have been working as a pipefitter, you have—let me present the question to you this way: Have you become familiar with dues? What that word means? A. I think I have.

Q. Have you become familiar with the word "assessments," and what that word means? A. I think so.

Q. Sir, tell the Court and jury what an assessment means to you. A. Assessment means that they take out three and a quarter per cent of my pay.

Q. Is this an assessment that you are talking about? Does that, in your interpretation, is it a tax, or dues, or right to belong to the union? A. No, sir.

[627] Q. Well, is it necessary for you to pay the assessments in order to belong to the union in good standing? A. Well, I have to say yes.

Q. Dues, the same thing? A. Right.

Q. You have heard the word "assessments"? A. Yes.

Q. And dues, used for thirty years? A. Yes.

Q. Have you heard them used by members on the job, and by officers down at the hall? A. Yes, sir.

Q. You have a thorough understanding of what an assessment is? A. I think so.

Q. Sir, during the time that you were collecting money from members on your job out at McDonnell, after the strike and after the checkoff began, do you remember that period of time? A. I think so.

Q. You weren't, beginning, I'd say in the early fall of 1963, collecting money from members working on your crew? A. Yes, sir.

Q. How often did you make those contributions? [628] A. Usually every week.

Q. Usually every Monday? A. As a rule, it was on a Monday.

Q. How did you make them? Can you just outline the procedure for the jury and the Court, please? A. Well, usually at the start of the work day they'd line up at my bench, and they'd pay their—Voluntary Fund is what it is. It wasn't an assessment or dues.

Q. Did you start to say assessment, sir? A. I started to, but I caught myself, because it isn't an assessment.

Q. Why did you catch yourself? A. Well, normally I call it that instead of the Voluntary Fund.

Q. Normally you call it an assessment? A. Right.

Q. Full well knowing what an assessment means? A. Well, it is just a misnomer, you might say.

Q. Yes, sir. Well, now, sir, during the period of time that you were making these collections, you say misnamed assessment, did you file a report with the hall showing the amount that you collected and the people from whom you made the collection? A. I think I usually filled out a slip; yes, sir.

[629] Q. And on the right-hand column of the slip, did you put down the amount that you had collected? A. Yes, sir.

Q. Now, sir, did you put down the amount of hours that the men had worked? A. I don't think so.

Q. All right, sir. A. Normally I didn't. That was strictly a forty-hour week anyway.

Q. Yes, sir. Now, what you were collecting on sheets that had a heading, "Pipefitters Voluntary Fund" do you remember those sheets, and familiar with the format of them? A. Yes, sir.

Q. Sir, let me ask you this question: Did you at the time you were collecting them, in your own mind and in your experience, thirty years as a pipefitter, consider those payments assessments? A. No, sir.

Q. Sir? A. No, sir.

Q. Did you ever write on the report, "assessments"? A. To the best of my knowledge, I didn't.

Q. If you wrote on the report, "assessments," would that help refresh your recollection as to how you considered [630] them at that time? A. I don't think so.

(Thereupon Government's Exhibits 114 and 115 were marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what has been marked Government's Exhibits 114 and 115, and ask you to examine them and see if you can identify them? A. Which way do you mean, "identify" them, sir?

Q. Well, did you prepare those sheets? A. Did I prepare these? This doesn't look like my writing; no, sir.

Q. Sir? A. This doesn't look like my writing.

Q. Will you look at it real carefully and see whether it is your writing? A. I would say it is not. This one here, I—this one here, I don't believe is.

Q. Sir? A. I don't believe so.

Q. Sir, let me show you a list of sheets, which I will not have marked at this time, and ask you to examine them and see if that will help refresh your recollection as to whether they were all prepared by you and in your handwriting? Can you tell me, looking at them, if they are in your handwriting? [631] A. It doesn't look to me like they are, sir; no.

Q. Can you tell the Court and jury that you did not prepare those sheets? A. From the appearance of them, I did not.

Q. I would like you to look at them carefully. A. Some of these that are printed, I would say would be mine.

Q. Sir? A. Some of these that were printed, I would say were probably mine.

Q. Are they all printed? A. No, sir.

Q. Well, can you go through here and select the ones that are in your own handwriting? A. Are we talking about handwriting or printing?

Q. Just any of them that appear in that folder.

The Court: All that he wants is if you can go through that group and select any that you made out; is that right, Mr. Riddle?

Mr. Riddle: Yes, Your Honor. Thank you.

(The witness looks at papers in folder.)

A. Well, I would think that some of these are mine back in here. The printing. None of the writing belongs to me. Some of these might, but I have my doubts about some of [632] these, sir.

(The witness handed group of papers to Mr. Riddle.)

Q. (By Mr. Riddle) You handed me a number of them that you have identified as your own? A. I think they are mine. I think so.

Mr. Riddle: I will ask the reporter to mark these Government's exhibits.

(Thereupon Government's Exhibits Nos. 116, 117, 118, 119, 120 and 121 were marked by the reporter for the purpose of identification.)

Q. Sir, I will hand you what's been marked Government's Exhibits 116 through 121, and ask you if those are the sheets from the folder I handed you that you have identified as being in your writing? A. This one definitely is not.

Q. You have handed me what's been marked Government's Exhibit 117, and it is your testimony that is not in your writing? A. I would say it is not.

Q. No part of it? Beside the name of foreman it shows John O'Laughlin. Is that not your signature? A. No, sir, that is not my signature.

Q. All right, sir. A. These ones that are printed, I would go along with [633] some of these being mine.

Q. Now, I show you what's been marked Government's Exhibit 114, and ask you to examine that carefully and

see if that is in your handwriting? A. It looks like it might be mine.

Q. Sir? A. It looks like it might be mine.

Q. Now, can you look at it carefully and tell the Court and jury if that is in your handwriting? A. I'll say that it is.

Q. All right, sir. Now, look under the, beside the name R. Dolan. It is the third name appearing on it? A. Yes, sir.

Q. Tell the Court and jury if R. Dolan is written in your handwriting, and if the other words to the right of it, are figures, are in your handwriting? A. They look like they are; yes, sir.

Q. What is beside R. Dolan? What did you write down beside R. Dolan? A. It says back, b-a-c-k, and a-s-s-t.

Q. What does a-s-s-t. mean? A. Chances are it may have meant assessment.

Q. And you wrote that in your own handwriting? A. It seems like I did; yes, sir.

[634] Q. How much of the back assessment was he paying you on that occasion? A. Well, this would have to be broken down as to how many hours he owed before he came on the job. I really don't know how to figure it.

Q. Yes, sir. How many hours he owed before he came on the job. How did you figure how much he owed? A. I didn't figure it. He figured it.

Q. How much of a back assessment then, according to those figures, was he paying you? A. Well, let's see. He had seventy-six hours, according to this.

Q. Seventy-six hours back assessment? A. No, sir. I am figuring this in my own mind. Just a minute.

Q. Pardon me. Go ahead. A. Well, it looks like it would be close to two weeks, roughly.

Q. Now, sir, at the time you wrote that, you knew as much about what the difference between an assessment and a voluntary contribution is, as you know now, didn't you? A. Yes, sir.

Q. At that time, did you conclude that his back payment owing was an assessment when you wrote it down? [635] A. No, sir.

Q. But you wrote it down as a back assessment? A. Usually—I call it that a lot of times.

Q. And almost everybody on the job calls it an assessment? A. More or less, yes.

Mr. London: I object to the form of the question; leading.

The Court: He's already answered.

Mr. London: May we see those, Mr. Riddle?

(Mr. Riddle handed paper to Mr. London.)

Mr. Nangle: May we see the rest of them?

Mr. Riddle: Just a second.

The Court: Have you concluded your direct, Mr. Riddle?

Mr. Riddle: No, I haven't, Your Honor. I want to make an offer into evidence, and they wanted to see it.

The Court: All right.

Q. (By Mr. Riddle) Now, sir, in preparing these reports for the hall—I guess you did prepare them for the hall, did you not? A. Yes, sir.

Q. Did you normally make notations on them when one of your crew members were delinquent or in arrears? [636] A. Only as a means of explaining where the extra hours was coming from.

Q. Yes, sir. And, in fact, you put "back assessment" more than once in your reports, didn't you? A. It is possible.

Q. And you put it on there to explain why the payment was greater than the hours worked that week? A. Greater than the fellows on the job; right.

Q. I see. I'll show you what's been marked Government's Exhibit 115, and ask you to look beside the man's name J. Neilson, and ask you if you made the notation on there, "back assessment"? A. Well, this doesn't look like my writing.

Q. Well, now, you were preparing the reports, were you not, that were going into the hall? A. On this particular job?

Q. Yes. A. Not all the time; no, sir.

Q. All right. Was someone preparing them at your direction, or under you? A. No, sir. I had a steward on the job.

Q. You had a steward on the job at this time? A. Yes, sir.

Q. Are you suggesting to the Court that he may have [637] prepared some of these? A. I would suggest that; yes, sir.

Q. Would anybody, besides you or the steward, be preparing any of these forms? A. No, sir.

Q. Either you or him? A. The steward or myself.

Q. You are telling the Court and jury you are not sure whether you prepared that one or not? A. I am not positive. This "back assessment" thing here doesn't look like my writing. The printing, however, does, but it doesn't look like my writing there.

Q. All right, sir. But your testimony would be that either you or your steward put the "back assessment" on there? A. That's correct.

Q. Yes, sir. Did your steward that you had on the job at that time refer to these as assessments and back assessments?

Mr. Daly: I will object to this.

The Court: Be sustained as to what the steward did.

Q. Now, sir, will you tell the Court and jury why you are reluctant to refer to these collections as assessments?

A. I'm not reluctant to refer to them as assessments. They are an assessment of the Voluntary Fund collection.

Q. Sir, have you been told to refer to these as [638] voluntary contributions rather than assessments? A. No, sir.

Q. Never? A. No, sir. He uses the word "assessment" because it is easier than saying Voluntary Fund. The biggest part of the time that is what they are referred to, assessments.

Q. The Voluntary Fund is usually referred to as an assessment? A. I myself refer to it that way; yes, sir.

Q. Now, it has all the characteristics of your other assessments, does it not? A. No, sir.

Mr. London: I object to the form of the question, Your Honor.

The Court: No. He may answer.

The Witness: I said, "No, sir."

Q. (By Mr. Riddle) All right. Well, is this assessment, that is, the Voluntary assessment, is that based upon the number of hours worked? A. Yes, sir.

Q. Is your assessment based upon the number of hours worked? A. Yes, sir.

Q. Is the assessment based—well, is the assessment [639] paid weekly into the hall? A. The assessments!

Q. The Voluntary assessment? A. The Voluntary assessment, as a rule; yes, sir.

Q. And is the other assessment? A. That is checkoff.

Q. It is paid into the hall also each week? A. Well, I don't know how the boss handles that. They take it off on the check.

Q. All right. They are based upon a formula, both of them are, and they are both paid weekly, and they both go in the hall? A. Right.

Q. Is there anything that distinguishes one from the other? A. Well, the one you don't handle at all. One is on the checkoff. They take that right out of your check.

Q. Is there any other distinguishing characteristic between the Voluntary assessment and the other assessment? A. I would think not.

Q. All right, sir. If it please the Court, the Government at this time offers into evidence its Exhibits Nos. 114 and 115, and asks they be received.

The Court: All right. 114 and 115 will be received.

[640] Mr. London: May we approach the bench?

The Court: Yes.

(Thereupon, the following colloquy ensued among the Court and counsel at the bench, out of the hearing of the jury:)

Mr. London: I thought that he said there was some of the writing on 115 that was not his. I may be mistaken.

The Court: He said, "I made out 115."

Mr. London: But that the writing there does not look like his writing.

The Court: No, that isn't it. Where is the one that has the assessment on it?

Mr. Riddle: They both do.

Mr. London: He said this was not his writing.

The Court: Oh, I think on this one he said he didn't put that on there.

Mr. Riddle: But he said the steward did who was working on the job with him, and one of the two put it on, and that is sufficient for their admission into evidence.

Mr. Daly: He didn't say the steward put it on. He said the steward sometimes made the collection.

Mr. Riddle: I am sure the Court recalls the specific answer, he or the steward put it on. He wasn't sure whether he did or—but one of them did.

The Court: He said one of them did.

[641] Mr. London: We want to object, because there is an improper foundation laid for Exhibit 115.

The Court: Be overruled.

(Thereupon, Government's Exhibits Nos. 114 and 115 were received in evidence.)

(Thereupon, the trial was resumed before the jury as follows:)

Mr. Riddle: Government has no further questions of this witness.

The Court: All right. Who is going to conduct the cross-examination?

Mr. Randall: Your Honor, may I request any grand jury testimony or statements?

Mr. Riddle: There are none, Your Honor. I never saw this witness before this morning.

The Court: All right.

**Cross-Examination.**

By Mr. Randall:

Q. May I have those two exhibits, please?

Mr. O'Laughlin— A. Yes, sir.

Q. Have you always contributed to the Voluntary Fund?

A. Yes, sir.

Q. Are you still contributing? [642] A. Yes, sir.

Q. Are your contributions voluntary? A. Yes, sir.

Q. Has anyone associated with the Union, or anyone else, ever told you that the payments into the Voluntary Fund were conditioned to your remaining a member of the Union and working? A. No, sir.

Q. Have you ever told anyone that? A. No, sir.

Q. Have you attended the meetings of the Voluntary Fund that were held at the Electricians' hall on Sundays? Have you attended any of those meetings? A. Very seldom I miss a meeting, sir, but I don't recall the one you are referring to.

• Mr. Riddle: What was the one you were referring to, Mr. Randall?

Mr. Randall: There were a number of them held on Sunday.

The Witness: Very seldom I miss them.

Q. (By Mr. Randall) Where you had refreshments, and things of that nature? A. Yes, sir.

Q. And candidates appeared? A. Yes, sir.

[643] Q. Do you know some of the candidates who appeared at those meetings? A. Yes, sir.

Q. And could you tell us who some of them were? A. Well, I think Mr. Eagleton, for one.

Q. Mr. Thomas Eagleton? A. Yes, sir.

Q. The Lieutenant Governor? A. Yes, sir. Oh, there has been a number of them, sir.

Q. Was Governor Warren Hearnes ever there when you were there? A. Not at that—I was not at that meeting, sir. Not at that meeting, sir.

Q. You were not at that meeting? A. I am trying—No. I am trying to think who was there when Eagleton was there. I don't recall, sir.

Q. You can't recall any others. Now, sir, at those meetings, was there any discussion of the candidates that were being supported by the Fund? A. Was there any discussion as to them?

Q. Concerning them? A. No, sir. They were just introduced.

Q. Just introduced. What is your political party? A. I'm a Democrat.

[644] Q. Now, you say you are at the moment a riding superintendent? A. Yes, sir.

Q. What is your wage rate as a riding superintendent? A. Seven dollars and ninety-seven and a half.

Q. Per hour? A. Right.

Q. And that does not include the money that goes into the Welfare Fund? A. No, sir.

Q. Now, on these two exhibits, Nos. 14 and 16—pardon me—114 and 115, Your Honor—I am sorry. Well, I will start with 114. Let me hand this to you, sir, and there is one man there where the word a-s-s-t. is written. Am I correct on that? A. You're correct.

Q. And it shows he worked how many hours? A. Seventy-six.

Q. And it shows how much he paid? A. Yes, sir.

Q. Which was how much? A. Nine dollars and seventy-five cents.

Q. And in that particular case, that was in excess of the amount that was normally contributed for that amount of [645] hours; isn't that correct; The amount paid was in excess of what was normally contributed for the number of hours shown? A. Yes, sir.

Q. And in order to explain that, somebody, either you or someone else, wrote in the word back a-s-s-t. A. This is correct.

Q. Now, did that man come to you and tell you that he owed this— A. Yes, sir.

Q. —back assessment on a prior job? A. Yes, sir.

Q. In accordance with the contribution card that he then had in effect? A. Yes, sir. Could I offer an explanation of that? Maybe it would clarify this a little bit.

Q. Yes, sir. A. When you are on these jobs, and these fellows come from these other jobs to your job, sometimes the assessments aren't collected on that job, and then they hit your job, and that is when they give that to you. Normally that would run this amount up.

Q. In other words, the Voluntary contributions are not collected at all on some jobs, are they? A. No, sir.

[646] Q. And the people, in order to make their contributions, must go to the hall to do so? A. Yes, sir.

Q. And in this particular case, rather than go into the hall to make their contributions, they gave it to you when they arrived? A. Just carried it over; yes, sir.

Q. And in order that somebody at the hall might understand what had occurred, you put in the words "back assessments"? A. Yes, sir.

Q. And you were aware, of course, that under this Voluntary Card Agreement that they had pledged themselves to make a certain contribution until the card was revoked? A. Yes, sir.

Q. Which they were entitled to do at any moment? A. Yes, sir.

Q. And on this Exhibit 115, which I now hand to you, you have a similar situation of a contribution there of \$13.00 by one man, don't you? A. Yes, sir.

Q. And someone has written in the words there also "back assessment"? A. Yes, sir.

[647] Q. Now, Mr. Riddle asked you if there was a characteristic difference between the voluntary contributions and your dues and assessments which are required by your Constitution and By-Laws? A. Yes, sir.

Q. Now, the characteristic difference is that one is voluntary and the other is mandatory; isn't that correct? A. This is correct.

Q. Now, some of these exhibits—I am looking at 117—I notice there are some people working from Local 501. Where is Local 501 located, sir? A. I really don't know.

Q. And on 116 I notice almost half of the people are from Local 553. Do you know where Local 553 is located? A. No, sir.

Q. All you know is these men were sent out from Local 562 to work for you? A. This is correct.

Mr. Randall: That's all I have, Your Honor.

Mr. Daly: I have no questions.

Mr. London: No questions.

Mr. Nangle: No questions.

The Court: Any redirect?

Mr. Riddle: Yes, just a couple.

[648]

**Redirect Examination.**

By Mr. Riddle.

Q. Sir, are you familiar with the phrase "Fund meeting"? A. Fund meeting?

Q. Yes. A. No, sir.

Q. Is the first time that you ever heard that phrase when Mr. Randall just asked you about it here on cross-examination? A. Well, if you want to phrase it that way, "Fund meeting," yes, sir.

Q. When he asked you if you ever attended a Fund meeting, I believe your answer was no, you never heard of such a thing? A. Right.

Q. You heard of union meetings? A. Yes, sir.

Q. Attended many of them? A. Yes, sir. I very seldom miss.

Q. Sir, at these union meetings, the ones that you have attended, were you ever present when a report of the Fund money was given? A. Not that I recall.

Q. Do you know of anyone who was ever a director or an officer of the "Fund"? A. Do I know of any officer of the Fund?

[649] Q. Yes. A. Well, I know who is the head of the Fund, if that is what you are referring to.

Q. Who are the people who are the head of the Fund? A. Mr. Callanan.

Q. Anybody else? A. Well, offhand I can't come up with any names right now; no, sir.

Q. Sir, you were asked if the people had a right to revoke their "Voluntary Cards"? A. Yes, sir.

Q. And in all the years and all the riding around that you have done as superintendent, have you ever—has anyone ever told you that he had revoked his card? A. No, sir.

Q. And how many people would you estimate that you have collected money from for this "Voluntary Fund"? A. You mean over the span of thirty years?

Q. Well, over the span of however long it's been in operation? A. I'd sure have to take a guess on that, and I don't know if I could.

Q. Ten thousand? A. Oh, no.

[650] Q. A thousand? A. Well, let's use a thousand as a round figure, but I doubt if it would be that much.

Q. You never heard of anyone revoking it? A. No, sir.

Q. Now, I believe you said that you prepared these reports and showed the back collections, back assessments and current payments so that people at the hall would know; is this what you said? A. This is what I said.

Q. What people at the hall did you want to know? A. Whoever handles this.

Q. Mr. Callanan? A. Well, I don't—Brother Callanan handled it all the way, things like this—I don't know.

Q. You just don't know what happened to these forms after you turned in your money? A. They go to the hall, turn it over to the proper authorities.

Q. Who do you turned it over to? A. Whoever is at the hall when I go in there.

Q. Could be Mr. Callanan? A. Could be. Normally I never see him.

Q. Have you ever turned sheets and money over to him? [651] A. No, sir.

Q. What about Mr. Lawler? A. No, sir.

Q. What about Mr. Seaton? A. I don't believe Seaton either; no, sir.

Q. What about Beans Burke? A. Beans, I may have.

Q. What about Mr. Steska? A. Steska, I may have.

Q. He is president of the local union? A. Yes, sir.

Q. And Beans Burke, he is what, secretary-treasurer? A. Treasurer; right.

Q. Sir, I believe you testified that you could find out how much a man was "voluntarily" contributing, by looking at his card? A. I don't recall saying that, sir.

Q. How did you know how much he was contributing?

A. How do you mean that, how did I know how much he had contributed? If he worked forty hours, he paid two dollars and a half.

Q. Well, did you know that that is the amount that he wanted to volunteer, rather than five dollars? A. Well, I wouldn't stop him if he wanted to come up [652] with five. The normal 50 cents is for eight hours.

Q. What if he came up with just one? A. If that is all he'd come up with, that is what I'd take.

Q. And you'd make a notation of that? A. Not necessarily.

Q. But you'd show the amount he paid? A. Oh, I'd show the amount he paid; yes, sir.

Q. What about the out-of-towners? How much are you collecting from them today? A. Today? Two dollars for eight hours.

Q. Two dollars for eight hours? A. Yes, sir.

Q. And how much for the regular 562 members are you collecting today? A. Fifty cents for eight hours.

Q. Fifty cents for eight hours? A. Yes.

Q. So the out-of-towners are "voluntarily" paying \$2.00 per hour, while the regulars are paying 50 cents per hour? A. Yes, sir.

Q. Now, this R. Dolan, do you remember the man's name who shows his back assessment? A. Yes, sir.

[653] Q. What did you say? I have forgotten your testimony about this card that he signed. What benefit would this card be to you in determining what his payment would be? A. I don't quite follow you, sir.

Q. Well, this Voluntary Contribution Card, do you remember that agreement that Mr. Randall asked you about? A. Yes.

Q. Would that be of any benefit to you in determining how much you would pay? A. No, sir.

Q. It wouldn't help you at all? A. No, sir. He volunteered this himself.

Q. If he had a blank amount on it you wouldn't need to know that? A. No, sir.

Q. Sir, at the present time, do you ride down to the Pilot Knob job? A. The Pilot Knob job is completed as far as our contract is concerned.

Q. Is there another contract still going on there? A. This, I don't know.

Q. Sir, one other question. Do apprentices pay any dues or assessments? A. No, sir.

[654] Q. Do they pay any assessments to the Voluntary Fund? A. Well, this I really can't tell you. I don't know.

Q. I see. Do you have a son? A. Yes, sir.

Q. What is his name? A. Well, I have four of them, sir.

Q. Did you have a son who was working on the job out at McDonnell? A. No, sir. Oh, I am sorry. Yes, I did. I'm sorry.

Q. Was he an apprentice? A. No, sir.

Q. He wasn't an apprentice? A. No, sir.

Mr. Riddle: Excuse me just a second, Your Honor.

(Thereupon Government's Exhibit No. 122 was marked by the reporter for the purpose of identification.)

Q. (By Mr. Riddle) Sir, I don't want to be repetitious, but I do want to be sure that I understand your testimony correctly, that an apprentice does not pay either assessments or dues to Local 562? A. No. I'd like to correct this, sir, because I am talking about the Voluntary Fund that they do not pay, on my jobs, anyway. What you are referring to as assessments, that is a checkoff, and I don't check their check.

[655] Q. You say that apprentices do not pay into the Voluntary Fund? A. To the best of my knowledge, they do not.

Q. Why do they not? A. Well, this I do not know.

Q. Have you been told not to collect from them? A. Not in particular, no.

Q. I don't mean generally, but have you been told not to collect from apprentices? A. It is my understanding that I don't collect from them.

Q. How did you get that understanding? A. They are only kids. They only make about \$2.00 an hour.

Q. And they can't, or aren't given the privilege of voluntarily contributing? A. Well, I don't think with wages like that they'd want to contribute anyway, would they? I don't say that they can't if they want to.

Q. But you don't expect them to? A. No, sir. They aren't even asked to contribute, to the best of my knowledge.

Q. Now, who is Tom McLaughlin? A. McLaughlin?

Q. Yes. McLaughlin. [656] A. He is one of the boys that was on that job.

Q. Is he an apprentice? A. Is he an apprentice?

Q. Yes. A. No, sir. He is a journeyman. Maybe at that time he was an apprentice. He is a journeyman now.

Q. Did you make a notation of his name, and beside it put "apprentice" in your report? A. I may have, sir.

Q. I will show you what's been marked Government's Exhibit 122, and ask you if the word "apprentice" shows up beside the name McLaughlin? A. P-r-e-n; right.

Q. What does that stand for? P-r-e-n.? Apprentice? A. Evidently it stands for apprentice.

Q. All right, sir. That's on your job, and that's a sheet under your name as foreman? A. Under my name as foreman, sir; yes, sir.

Q. Sir, at a time before the checkoff, that is, before the end of the strike in '63, you collected the regular dues and assessments from your crew members at that time, didn't you? A. I don't remember collecting any dues and assessments.

Q. At no time? A. Well, now I don't remember, sir, no, sir.

[657] Mr. Riddle: All right. The Government has nothing further to ask this witness.

Mr. Randall: May I see that last exhibit.

Mr. Riddle: Except we do want to offer into evidence Government's Exhibit 122, and ask that it be received.

The Court: All right. It will be received.

(Whereupon Government's Exhibit No. 122 was received in evidence.)

### **Recross Examination.**

By Mr. Randall:

Q. Mr. McLaughlin, ordinarily the foreman does not collect dues and assessments, does he? A. Dues and assessments? No, sir.

Q. That is done by the steward; isn't that correct, sir? A. No, sir.

Q. I mean it was done before checkoff by the steward? A. Yes, sir.

Q. And, of course, since you got checkoff, the companies, in effect, collect it for the Union? A. Right.

Q. And ordinarily the foreman also does not collect the Voluntary Fund either, does he? A. In some cases when he is acting as steward he might collect.

[658] Q. Only when he holds the additional function of acting steward? A. Yes, sir.

Q. So as a foreman, you are not Union official, are you? As a foreman? A. No, sir.

Q. As a steward, of course, you are a Union official? A. Yes, sir.

Q. Now, on this last exhibit Mr. Riddle gave you, No. 122, is that in your handwriting? A. It looks like it, sir.

Q. Is that "p-r-e-n" in your handwriting? A. I have a doubt there, sir.

Q. You don't think that is? A. I don't think so.

Q. So you really don't know what that means, do you?

A. Might I ask the gentleman a question there? Are you referring to Mr. McLaughlin as my son, sir?

Mr. Riddle: No.

The Witness: OK.

Q. (By Mr. Randall) Is he your son? A. No, sir. That is what I wanted to get straightened away. He mentioned a son before, and then he hit me with that.

Q. I see. Do you recall this McLaughlin that is listed [659] on here with the word "pren"? Do you know him?

A. Yes, sir.

Q. Is he presently a member of Local 562? A. Yes, sir.

Q. And he's now a journeyman? A. Yes, sir.

Q. Now, Mr. McLaughlin—

The Court: This is O'Laughlin.

Mr. Randall: O'Laughlin. I am sorry. Mr. O'Laughlin, how long has the Fund, the Voluntary Fund, the Voluntary Political Fund been in existence, to your best recollection?

A. Oh, offhand I'd say about five years. I'm guessing, however.

Q. Well, in other words, you don't recall? A. The start of it?

Q. Yes. A. No, sir.

Q. Well, isn't it a fact that it's been in existence since about 1949; something like that? A. You got me.

Q. Well, you have always contributed to it? A. Yes, sir, always.

Q. Now, are you familiar with Mr.—are you familiar with the term “political meetings” that you have had down there? [660] A. Yes, sir.

Q. And did you receive notices of those political meetings through the mail? A. Yes, sir, I did.

Q. And these political meetings were ordinarily associated with candidates and with refreshments, and things of that nature? A. Yes, sir.

Q. And they usually occurred on Sundays, didn't they, sir? A. Yes, sir.

Mr. Randall: That's all.

Mr. London: Briefly, Your Honor.

**Recross-Examination.**

By Mr. London:

Q. Mr. O'Laughlin, you signed a Voluntary Contribution Agreement card, didn't you, sir? A. Yes, sir.

Mr. London: (To the reporter). Would you mark that, please?

(Thereupon Defendant Union Local 562's Exhibit A was marked by the reporter for the purpose of identification.)

Q. Mr. O'Laughlin, I am going to hand you what's been marked for identification purposes as Local 562's Exhibit A [661] and ask you, sir, if that is the card containing your signature? A. That is it.

Q. And that is a Voluntary Contribution Card that you signed? A. Yes, sir.

Q. Very briefly, Mr. O'Laughlin, Mr. Riddle was asking you from all the jobs that you have worked on, if anyone ever revoked their Voluntary Contribution Agreement, and you indicated that you knew of none? A. Right.

Q. Out of all the men that you have collected from on this Voluntary Fund, have you ever told any of them that they had to give? A. No, sir.

Q. Has any man ever been denied work because he didn't give, to your knowledge? A. To the best of my knowledge, no, sir.

Q. As a matter of fact, as Mr. Riddle has talked to you about dues and assessments and voluntary fund, under the Constitution and By-Laws of your Union, if you don't pay your dues and assessments you can be suspended; isn't that correct, sir? A. That's correct.

Q. If you don't pay your Voluntary Fund, can you be [662] suspended? A. No, sir.

Q. You still work, don't you? A. Right.

Q. Mr. London: That is all.

### **Redirect Examination.**

By Mr. Riddle:

Q. Do you know anybody working on your job now that's not current on his political contribution? A. This apprentice—I have an apprentice there; yes, sir.

Q. That's the only one? A. As of this time, yes, sir.

Q. They are all about as current on that as they are on their regular dues and assessments, aren't they? A. Yes, sir.

Mr. Riddle: Thank you. I have nothing further.

The Court: Anybody else have any questions?

Mr. Daly: No, Your Honor.

The Court: All right. You may be excused.

(Witness excused.)

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The Court: Members of the Jury, we will have our afternoon recess. Bear in mind the admonition I have given you heretofore.

(Following a brief recess, the further following [663] proceedings were had before the jury:)

The Court: Call your next witness.

Mr. Riddle: Mr. Stiffler.

**JAMES M. STIFFLER,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. What is your full name, please? A. James M. Stiffler.

Q. And your address? A. 10516 Druid Drive. That is Bellefontaine Neighbors.

Q. How old are you, sir? A. Forty-four.

Q. And are you presently employed? A. Yes, sir.

Q. For whom? A. Babcock & Wilcox Company, Portage de Sioux powerhouse.

Q. And where is this Portage de Sioux powerhouse located? A. West Alton, Missouri.

Q. West Alton, Missouri? A. Right.

Q. In what part of Missouri is that? A. Well, if you go out 94, it is on Highway 94.

[664] Q. How far from St. Louis? A. Oh, about twenty miles.

Q. What position do you have there? Are you a journeyman, or foreman, or superintendent? A. Foreman.

Q. Sir, how long have you been a foreman? A. About the last six years.

Q. Prior to that, were you a journeyman? A. I was a journeyman.

Q. Pipefitter? A. Right; journeyman pipefitter.

Q. How long have you been a member of Local 562? A. Twenty-one years.

Q. Prior to the present project or location, where did you work? A. I worked for Natkin & Company.

Q. On more than one project, or just one? A. No, I was on, oh, five, six, maybe eight different jobs.

Q. As foreman? A. No, not all the time.

Q. Sometimes as foreman? A. The last two years I was with them I was a foreman.

Q. All right. What projects or job did you work on [665] for them? A. St. John's Hospital. The last one was St. Louis University.

Q. Sir, how did you get your appointment, or your designation as a foreman? A. Well, the riding boss more or less comes up and said, "Jim, do you want to run this job?" I said, "Yeah."

Q. Who is your riding boss? A. Harold Burns.

Q. All right. Is he a higher man in the hierarchy of the Union organization than you? The riding boss? A. Well, yeah. He is more or less your foreman, area foreman, or the riding boss, superintendent, or general foreman.

Q. He is a member of Local 562 also? A. Right.

Q. Do you know how he gets his appointment? A. Through the union hall.

Q. Yes. From the manager, or the people in charge down at the union hall? A. Right.

Q. Mr. Stiffler, at the present time, on the job that you are working on, do you make collections in cash from various members of your crew? A. Yes, I do.

[666] Q. How often do you make them? A. Once a week.

Q. On what day? A. This is prior to—I was with Dougherty & Company out there, and I got transferred over to Babcock & Wilcox.

Q. All right. Well, let's talk about Babcock & Wilcox.  
A. At the present time, no. We have a steward on the job that picks up the Voluntary Fund.

Q. The steward picks up the money now? A. Yes, sir.

Q. But at one time you did pick up the money? A. At one time when I had a gang, I was a foreman, I'd go in the building and pick the money up.

Q. Sir, when you pick the money up, on whatever job it is, and under whatever circumstances, do you fill out a form or report showing the amount you collected, and from whom each amount was collected. A. Well, I would go in the building in the morning.

Q. No. Just— A. On a Monday.

Q. Well, maybe you didn't understand my question, but when you do pick up the money, do you make out a report showing who paid, and how much? A. Yes. I don't make it out. I just write it down on [667] a piece of scratch paper and take it up to the steward.

Q. All right. Does the steward then make it out? A. Yes, sir.

Q. Do you tell him what you put on the report? A. Well, I just hand him this piece of paper.

Q. What is on the piece of paper that you hand him?  
A. The names of the men in my gang.

Q. And the amount they pay? A. Right.

Q. And the hours they worked? A. Right.

Q. Now then, what does he do with that information, if you know? A. I imagine he puts it down on another form.

Q. Mr. Stiffler, in 19 and 63, were you working for the Natkin Company? A. Yes, sir.

Q. Did you have a position with them at that time? A. Yes, sir.

Q. And directing your attention to the St. Louis University job or project, do you remember that one? A. Yes, sir.

Q. Were you a foreman at that time, and on that job? A. I run the job; yes, sir.

[668] Q. Did you make the collections at that time? A. Yes, sir.

Q. Did you fill out the forms and sheets yourself? A. I fill out the forms; yes, sir.

Q. And put the amount of the collections and who paid? A. Right.

Q. You did this every Monday? A. Every Monday.

Q. About how long did that job last? A. I'd say a year and a half to two years.

Q. Sir, in the twenty-one years that you have been a member of Local 562, have you become acquainted with the term "union dues"? A. Yes, sir.

Q. "Union assessments"? A. Yes, sir.

Q. What do you understand the difference between a union dues and a union assessment to be? A. Well, your union dues, you pay your union dues, and you get a statement put in your book. You pay that once a month. The assessments more or less goes into our welfare.

Q. All right. And how are the assessments paid? Weekly? A. On a checkoff now. We get the checkoff.

[669] Q. But they are paid weekly and taken out of the — A. Taken out of our checks.

Q. Out of the payroll, or total payroll each week? A. Right.

Q. And are the assessments constant, or are they based upon a percentage of the gross income? A. I believe they are on a gross income.

Q. They are a percentage—it is an assessment of three or so percent of the gross wages for the week involved?

A. Right.

Q. You are familiar with those terms? A. Yes, sir.

Q. Assessments and union dues? A. (Indicating yes.)

Q. Now, do you understand that assessments and union dues are the responsibility and the obligation of each member of the Union? A. Yes, sir.

Q. And if they aren't paid, that the membership will be suspended or revoked? A. No, I don't know that.

Q. You don't know what would happen if you failed to pay your dues and assessments? A. If you didn't pay your dues, then you would be [670] suspended by the—

Q. Local? A. No, not by the Local.

Q. The United— A. The United Association; right.

Q. Yes, sir. Now, the amount of money that you, or the money that you collect from the people on your crew, do you consider them assessments? A. No.

Q. Do you know what an assessment is? A. Yes, sir.

Q. And you don't consider those payments as assessments? A. No, sir.

Q. Have you ever referred to them as an assessment? A. Oh, probably years ago. It just was a term used years ago.

Q. Well, how many years ago? A. I'd say fifteen, maybe.

Q. Well, was the term assessment being used during the year that the St. Louis University job was being constructed? A. No. It was the Voluntary Fund then.

Q. Strictly voluntary? A. Right.

Q. Never referred to as an assessment? [671] A. No.

Q. And, certainly not by you? A. Not by me, no.

Q. Sir, on these forms that you filled out, did you write your name on the top beside the word "foreman"? A. My name would be on the top of the list; yes, sir.

Q. And up at the top of the form beside the word "foreman," your name would appear? A. Right.

Q. And you usually signed your name J. Stiffler? A. Right.

Q. Sir, I'll hand you a folder which I will now, at this time, mark as an exhibit, and ask you to examine it, if you will, and see if these are true copies of the forms prepared by you on the St. Louis University job in 1963. Just thumb through them, if you can identify your handwriting, and tell us whether or not they were prepared by you? A. Yes, sir, these are my—

Q. Go ahead and thumb through them, and see if they are yours. A. I would say most of them are. Here is one that I don't recognize.

Q. You are pulling out one that you say is not yours? A. Well, no. There's a couple more.

[672] Q. Well, is it fair to say that most of them are yours? A. I would say most of them are mine; yes, sir, in my handwriting.

Q. All right, sir.

(Thereupon Government's Exhibits Nos. 123, 124, 125, 126 and 127 were marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked Government's Exhibits 123 through 127, and ask you to examine them and see if those are in your handwriting? A. This one is mine. This one is mine. This one is mine. I don't know—this one here don't look like mine.

Q. You are looking at Exhibit 126? A. Wait a minute. This might be mine. This could be mine. That's mine, and that's mine.

Q. All right sir. Now, the one that was marked 127, is that the one you said was yours? A. Yeah, that's mine.

Q. All right, sir. Sir, I call your attention to the name that appears on there, R. Hatchman, and ask you if you wrote that name on there? A. Yes, sir.

Q. And his name appears on there in two different places, does it not? [673] A. Yes, sir.

Q. And I ask you to look beside the R. Hatchman that appears last, and see if there are some words that are beside it on a line? A. It says, "Back——"

Q. What does it say? A. "Back assessments," it looks like.

Q. Back assessments. Is that in your handwriting? A. Yes, sir.

Q. Did you put it on there? A. Absolutely.

Q. What did you mean by putting "back assessment" on this one? A. Well, what I meant is I probably—he might have been on a vacation or something, and when he come on the job, why he paid his Fund then.

Q. He paid his assessment? A. Well, it was Voluntary Fund. Like I said, I used the word "assessment," which I was using the wrong word.

Q. Well, now you knew at that time, back in '63, the difference between an assessment and a voluntary payment, just as well as you do today, didn't you? A. Well, yes, I did.

Q. But you, at that time, used the word "back assessment"? [674] A. Right.

Q. Now, is there any particular reason why you used "assessment" to show his delinquency or back payment? A. No, there was no reason that I could remember now.

Q. Well, sir, isn't it true that you made out other reports showing back assessments when people paid up for delinquencies? A. If I did, I don't remember.

Q. Well, sir, you used assessments in connection with this Voluntary Fund, did you not, on the job? And other people used it? A. It has been used for years before; yes, sir.

Q. These voluntary payments were called assessments? A. No. It was a word that we used years ago. It was just a word that we used, that's all, years ago.

Q. Well, let me ask you this, sir. Was it a word you were using to describe these "voluntary payments" in 1963? A. Well, that might have been in a category that we got into by using the word assessment, but it was a voluntary fund.

Q. Well, sir, how does this Voluntary Fund assessment—

Mr. London: Object to the use of the word, Your Honor, putting words in the witness's mouth that he has not used, and ask the jury to disregard that.

Mr. Riddle: I withdraw that.

[675] The Court: He's withdrawn it.

Q. (By Mr. Riddle) How does this word "back assessment" as you have used it on your report and in your own handwriting, differ from the regular assessment to the Union? Can you tell the Court and jury that? A. I don't understand that question.

Q. Well, I understand from you that you understand thoroughly what assessment means? A. Yes, sir.

Q. I understand from you that you put the word assessment on this sheet here? A. I did; right.

Q. On a Pipefitters Voluntary Fund form? A. Right.

Q. Now, sir, how did the assessment that you referred to here on this form— A. How did it get on that form?

Q. Yes. A. Probably the man was on a vacation, and when he come back he never paid his Voluntary Fund, so I just put it on the next sheet.

Q. All right, sir. Well, my question is what is the difference between the type of back assessment that you are talking about on your form here and the type of assessment [676] that you pay regularly into the Union?

A. What is the difference?

Q. Checkoff or otherwise? Yes, what is the difference?

A. No difference that I know of.

Mr. Riddle: Yes, sir. That's all from this witness, Your Honor.

The Court: All right. You may cross-examine.

Mr. Riddle: We'd like to offer into evidence at this time, Your Honor, Government's Exhibit No. 127.

The Court: What about 123 through 127?

Mr. Riddle: Just 127.

Mr. Randall: Your Honor, I would like to request to see it before it is——

The Court: OK.

(Exhibit was handed to Mr. Randall.)

(Thereupon Defendant Union Local 562's Exhibit B was marked by the reporter for the purpose of identification.)

The Court: It will be received. I think that pink thing though has to come off.

Mr. Riddle: Your Honor, our own notes on these will be taken off before it is exhibited to the jury.

(Whereupon Government's Exhibit No. 127 was received in evidence.)

The Court: Go ahead.

[677]

**Cross-Examination.**

By Mr. London:

Q. Mr. Stiffler, Mr. Riddle has been asking you with regard to the use of the word assessment, Voluntary Fund, and so on. Regardless of what you call the contributions to the Voluntary Political Fund, etc., was that money that had to be given in order to work, or was it a voluntary contribution? A. It was a voluntary contribution.

Q. If a man did not contribute to the Voluntary Fund, was he suspended or refused work? A. Not to my knowledge; no.

Q. Did you, sir, sign a Voluntary Contribution Agreement? A. Yes, sir.

Q. Let me hand you that which has been marked for identification purposes Union Local 562's Exhibit B, and ask you, sir, if that is the card that you signed? A. That's the card.

Q. And does that card bear your signature? A. Yes, sir.

Q. When you use the word, as Mr. Riddle has been doing, of "assessment," or "owed," or whatever words it may be, let me ask you, sir, do some members of your Union contribute to the United Fund? A. Absolutely.

[678] Q. Do they sign a card when they contribute to the United Fund? A. They sign a little form that comes out on the job.

Q. And after they sign this form contributing to the United Fund, they consider that they owe that money, don't they, sir? A. Yes.

Mr. Riddle: I will object to that as calling for a conclusion.

The Court: Be sustained. The answer will be stricken. The jury will disregard it.

Q. When contributions are made to the United Fund, in some places of employment that money is taken right out of the paycheck each month, isn't it, sir? A. That's right.

Q. In accordance with the agreement? A. Right.

Mr. Randall: I have a few questions.

**Cross Examination.**

By Mr. Randall:

Q. Mr. Stiffler, did you ever tell any man that he must contribute to the Voluntary Fund in order to continue his employment? A. No, sir.

[679] Q. Or his membership in the Union? A. No, sir.

Q. Did Mr. Callanan, Mr. Lawler, or Mr. Seaton, ever tell you anything like that? A. Never.

Q. Have you been contributing to the Voluntary Fund? A. Yes.

Q. From its beginning? A. From the beginning.

Q. And are you still contributing? A. Yes, sir.

Q. And are your contributions voluntary? A. Absolutely.

Q. Did you attend any of the political meetings that were held at the Electrical Hall on Sundays? A. Yes, I did.

Q. Were any candidates present at those meetings? A. Yes, there were some candidates present.

Q. Do you recall who any of them were? A. Right off-hand, no, I don't.

Q. You don't. What is your politics, sir? A. Democrat.

Q. Did you sign a Voluntary Card? A. Yes, I did.

[680] Q. Did you read it? A. Not word for word; no.

Q. Did you ever present those cards to any of the people for signature? A. On the job?

Q. Yes. A. Yes.

Q. Did you tell them at that time that it was voluntary? A. Absolutely.

Mr. Randall: That's all the questions.

Mr. Nangle: I have one question.

**Cross-Examination.**

By Mr. Nangle:

Q. Mr. Stiffler, do you recall how long you contributed to the Voluntary Fund? A. Since its been in existence, I imagine.

Q. Do you have any idea how long that's been? A. No, I don't.

Q. You have no idea at all how long its been? Has it been—Could I ask you, sir, do you recall if its been longer than ten years? A. I don't remember if its been ten years. I think it has been.

Mr. Nangle: I have no other questions.

[681] Mr. Riddle: Just a couple.

**Redirect Examination.**

By Mr. Riddle:

Q. Mr. Stiffler, I believe you said that you made your payments into this Voluntary Fund voluntarily? A. Yes, sir.

Q. Each week? A. Yes, sir.

Q. Have you voluntarily contributed the same amount each week? A. Well, it depends on the time you put in, the amount of hours.

Q. Yes: Now, sir, you have paid your assessments regularly each week also, haven't you? A. Yes, sir.

Q. And you pay them voluntarily too, don't you? A. Pay everything, yeah.

Q. Voluntarily? A. (Indicating yes.)

Q. By voluntary, what do you mean by that? A. Well, I give. I think that this is what I should do.

Q. Yes, sir. Now, sir, do you pay property tax here in St. Louis? A. Yes, sir. No; in the County.

[682] Q. Do you pay that voluntarily? A. Absolutely.

Q. Do you pay your income tax? A. I hope so.

Q. Voluntarily? A. Yes, sir.

Q. Now, sir, you were asked about this United Fund. That runs for about what? One payday or one week? A. No. I think you can spread it out, an hour. We got each check.

Q. Over what period of time? A. Oh. If you want to donate a day's pay, you take an hour a week, I believe, out for eight weeks.

Q. This is once a year? A. Once a year.

Q. Yes, sir. It is not fifty-two weeks out of the year, is it? A. No.

Q. It is only a short limited period of time? A. Well, whatever you want to contribute to the United Fund.

Q. Sir, do people who contribute in this United Fund, the ones that you know about, do they pay exactly the same amount? [683] A. I don't know that. I don't know what they pay. They can pay whatever they want. I mean they can contribute, if they want to contribute, a week's pay, whatever they want to contribute. That is up to them.

Q. Do you know whether or not various people on your force pay differing amounts? A. I don't know this, but I imagine they did.

Q. Some of them may pay ten dollars, and some may pay one dollar? A. As far as I know. I don't know that.

Q. Sir, do you know anybody on your crew who contributed "voluntarily" a different amount from anybody else into this Voluntary Fund? A. A different amount?

Q. Yes. Don't they all pay the same rate? A. Yeah; um huh, yes, sir.

Q. Yes, sir. Sir, you said that some people pay into this United Fund maybe a whole week's pay. Do you, in the entire period of time that you have been collecting on this fund, do you know of a single member who has paid more than the going rate into the "voluntary" fund? A. More than the going rate?

Q. Yes. Well, what is the going rate now? Fifty cents, isn't it? [684] A. Right.

Q. Do you know of anybody now that pays one penny more than 50 cents a day? A. The out-of-town men.

Q. Yes, sir. Do you know of any member of 562 who pays one penny in addition to 50 cents a day? A. Not to my knowledge; no.

Q. Now, you say the out-of-town men pay more than 50 cents a day? A. Right.

Q. And they paid \$2.00 a day? A. I believe that's right; yes, sir.

Q. Or \$10.00 a week? A. Yes, sir.

Q. Do you know of a single out-of-towner who pays one penny more or less than — A. Not to my knowledge.

Q. They all pay precisely \$2.00 a day? A. If they work forty hours a week; right.

Q. And if they all work ten hours, they all pay precisely the same amount? A. Right.

Mr. Riddle: The Government has nothing else to ask this witness.

[685]

**Cross-Examination.**

By Mr. Randall:

Q. Sir, your dues and assessments are checked off by your employer, aren't they? A. That's right, sir.

Q. You have no choice at all with respect to that? A. That's right.

Q. And in addition to that, before they were checked off, your Constitution provides that you will be expelled if you don't pay your dues and assessments? A. That's right.

Q. And so in that sense, if you are to remain a member of the Union, they are mandatory, aren't they? A. Absolutely.

Mr. Randall: That's all.

The Court: You may be excused. Call your next witness.

(Witness excused.)

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**EUGENE MARSHALL,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Your full name is Eugene Marshall? A. Eugene John Marshall; yes, sir.

[686] Q. You are a member of Local 562? A. Yes, sir.

Q. What is your present address? A. 8908 Marcella, in Bel Ridge.

Q. In what? A. 8908 Marcella, in Bel Ridge.

Q. Bel Ridge? A. Yes, sir.

Q. What job are you working on at the present time?  
A. I am working on the Barnes Hospital Complex job for Thomas J. Sheehan & Company.

Q. Thomas J. what? A. Thomas J. Sheehan. S-h-e-e-h-a-n.

Q. That is the construction company that has the contract for that project? A. Yes, sir.

Q. Are you a foreman? A. I'm a general foreman; yes, sir.

Q. What is the difference between a foreman and a general foreman? A. Well, it's a—the general foreman carries more responsibilities toward the job.

Q. And does the general foreman get paid a higher rate? A. Yes, sir.

[687] Q. Who selected you as the general foreman, sir?  
A. My company.

Q. Your what? A. The company that I work for. The Thomas J. Sheehan Company.

Q. Did they select you, or the union hall sent you out as that? A. Well, with the agreement of our union hall. I mean we, both of them agreed that I was capable of being a general foreman. I suppose that's how it happened.

Q. Well, is it fair to say that your union endorsed you?  
A. I would say so.

Q. All right. Who in your union endorsed you for the general foreman job? A. I don't know exactly. I mean exactly who would be the one that would endorse me.

Q. You don't know? A. The local union as a whole I would say. Local 562 endorsed me.

Q. You mean by resolution? A. I don't know anything about—What do you mean by resolution, sir?

Q. Were you endorsed as a general foreman at a meeting of the members? [688] A. No, sir.

Q. Well, is it fair to say that you were endorsed or recommended as a general foreman by the managing officers of your local union? A. I would say endorsed.

Q. Would that be Mr. Steska? A. Well, partially, I would say.

Q. Mr. Callanan? A. Yes, sir. All the officers of our Local, I think, approved me as a general foreman. At least, I assume this.

Q. All right, sir. Well, sir, could you be a general foreman without your local union's approval or designation? A. Well, I think the procedure is that the people you work for, like in this instance the Thomas J. Sheehan, would feel that you were capable of doing the job, and I think that they would normally discuss it with our local union, and they would agree mutually that this was all right, as far as capabilities to handle the job, because I know that is what our local union is interested in, somebody that can do this work properly for a company.

Q. Well, sir, without belaboring this point, I would like you to tell the Court and jury if Mr. Callanan, Mr. Steska, Mr. Lawler, Mr. Seaton and those other people, if you could be a general foreman on this job without their approval? Tell the [689] Court and jury your understanding of that. A. I would say yes.

Q. You could be? This is what I think. I mean this is my feeling.

Q. All right, sir. Now, sir, how long have you been a general foreman? A. Oh, about eight years.

Q. Were you just a normal foreman before that? A. Yes, sir.

Q. How long were you just a regular normal foreman? A. Prior to my being a general foreman?

Q. Yes. A. A couple years.

Q. Sir, at the present time, do you collect any money from any of your people, any of the workers on your

crew? A. Yes. I have been picking up the Voluntary Fund.

Q. Yes; sir. How often do you pick up that money?  
A. Usually every week.

Q. Every Monday? A. No particular day.

Q. Just any day in the week? A. Yes, sir.

Q. Do you decide when you want to pick it up? A. We always considered it a matter of convenience that [690] sometime during the week anybody that would be, that would want to contribute to the Voluntary Fund, that I would be there to accept this money and see that it got to the Vountary Fund office.

Q. Well, now, for example, today is Monday. Who will be collecting it in your place today? A. Well, right at this time I only have one more man, you know, and he's holding down. We are in between. There is no need for a lot of men over there right at the moment.

Q. Sir, how long have you been a member of 562? A. Well, about twenty-five years.

Q. During that period of time, I guess you have become familiar with the word "assessment"? A. Well, I've heard the word; yes, sir.

Q. Have you ever used the word yourself? A. Not in reference to this Voluntary Fund, but I've used it when there was such a thing as that.

Q. Sir, I want to ask you specifically, you answered that question for me, do I understand your testimony here to be that you never used it in connection with this Voluntary Fund? A. I have never used it in connection with the Voluntary Fund that I know of, sir.

Q. Would there be any occasion for you to ever use it in connection with the Voluntary Fund? [691] A. There should not be any occasion to use it in connection with the Voluntary Fund.

Q. Why is that? A. Because it is separate and distinct from any assessment, the way I see it.

Q. Yes, sir. Sir, 19 and 64, were you working on the Barnes Hospital project? A. Yes, sir.

Q. For the T. J. Sheehan Company? A. Yes, sir.

Q. And did you fill out the forms for the Pipefitters Voluntary Fund during that period of time? A. You mean the card?

Q. 1964. I am not talking about the card. I am talking about the sheets where you show the—— A. Oh. Yes, sir.

Q. I show you one here, without having it marked as an exhibit, and ask you if this is the sort of a form that you filled out? A. Yes, sir.

Q. And over on the left-hand side you put the member's name? A. Yes, sir.

Q. And then you would show the number of hours that he [692] worked on each day? A. Yes, sir.

Q. Then you would show the total number of hours worked for the week? A. Yes, sir.

Q. Then you showed the amount that he paid? A. Yes, sir.

Q. Then you would total that up and turn the money in? A. Yes, sir.

Q. Now, do you think, in your mind, that this was going to the "Voluntary Political Fund", was it? A. No doubt in my mind.

(Thereupon, Government's Exhibit No. 128 was marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked as Government's Exhibit 128, and ask you to examine it and tell the Court and jury if you prepared that form, and if it is in your handwriting? A. I don't think this is in my handwriting.

Q. Well, sir, look at it real carefully and tell the Court and jury whether it is or isn't, if you can identify your own handwriting? A. Well, this is printing, sir, but I would think this is in this man's handwriting right here. That is, I had a [693] steward on the job when I had a lot of men.

Q. I see. What is the steward's name? A. George Pantazi.

Q. George Pantazi. All right. And you were the foreman? A. Yes, sir.

Q. Your name is up on top as the foreman? A. Yes, sir.

Q. Was this sheet prepared under your direction? A. Under my direction? The direction that I gave that George and I agreed on was that he would make it up and would carry, see that the money got to the Voluntary Fund.

Q. All right. Mr. Pantazi would help you then during this period of time? A. He did during this period of time; yes, sir.

Q. Would you tell him how much each man worked? A. Yes. He had access to my time books.

Q. So the information that he got either came from you or your records? A. Yes, sir.

Q. All right, sir. Now, on this particular exhibit that we are talking about, calling your attention the column in the right-hand side, I notice that the first eleven names show that each of the eleven people worked forty hours that week; [694] is that correct? A. Yes, sir, that seems to be—

Q. And that each of the eleven people paid \$5.00? A. Yes, sir.

Q. Now then, underneath that I notice that there is a name, or the name—

Mr. London: May we examine this exhibit? We haven't seen it yet.

The Court: Show it to him.

Mr. Riddle: All right.

(Mr. Riddle handed exhibit to defense counsel.)

Q. (By Mr. Riddle) Beside the name W. Van Dusen—

A. Yes, sir.

Q. —can you interpret what appears after his name, for the Court and jury, please?

Mr. Randall: Your Honor, I am going to object to this. This man did not make this exhibit. The steward on the job made it, and it's not been offered into evidence.

The Court: Well, was this record made under your direction?

A. Well, not specifically under my direction. I gave access—it was mutually agreed between me and this man, my steward, that he would be able to check my records, and he would be able to go and collect whatever contributions the men [695] had, and see to it that they got to the proper source, which was the Voluntary Fund.

The Court: Is that form there, that's a copy of a regular form that is supplied to you by the Voluntary Fund?

The Witness: Yes, sir, it looks like it.

The Court: I mean the Pipefitters Voluntary Fund. The objection will be overruled. He may answer.

Mr. Riddle: If it please the Court, at this time we'd like to offer it into evidence.

The Court: All right. It will be received.

(Whereupon, Government's Exhibit No. 128 was received in evidence.)

Q. (By Mr. Riddle) Go ahead and interpret what is beside Mr.——

Mr. Daly: Your Honor, I am objecting to him interpreting.

The Court: I will sustain it as to his interpreting it.

Q. (By Mr. Riddle) Well, explain for the Court and jury what appears beside Mr. Van Dusen's name. A. Well, from Mr. Van Dusen's, this is a date here, and then over here, instead of—well, the only difference—I don't know what this—this is January 26, and then there's 2-2, which I don't understand. And then over here, the [696] only difference between the others is that he has \$10.00 paid, where the others have five. That's the only difference I see.

Q. All right, sir. Now, this 1-26 and 2-2, could that be January 26 to February 2nd? A. Yes, I guess it would be.

Mr. Randall: Your Honor, I am going to object to that. It is speculative.

Mr. Riddle: It is his own record. Your Honor.

The Court: Well, it is not his own record. He said he didn't make it. Let me see that thing.

(The witness handed exhibit to the Court.)

The Court: What is the report for?

The Witness: This report here?

The Court: Yes. What week?

The Witness: Up at the top?

The Court: Yes.

The Witness: It says February 2, 1964.

The Court: And from January 22 to February 22, how many days would you work?

The Witness: From January 22 to February 22?

The Court: February 2nd.

The Witness: Or February 2nd. Let's see. About seven days.

The Court: Of course, it would all depend on Saturdays [697] and Sundays?

The Witness: Yes, sir.

The Court: OK. Go ahead, Mr. Riddle.

Q. (By Mr. Riddle) Sir, it shows a payment in excess of the \$5.00? A. Yes, sir.

Q. That the others had paid; is that correct? A. Yes, sir.

Q. All right, sir. Now, beside the name McWhorter—  
A. Yes, sir.

Q. What appears there? First off, how much does it show that he paid? A. It shows he paid \$28.00.

Q. All right, sir. Does your record that you have exhibited by the Exhibit 128 that is in your hand, does it show for what period of time that payment is? A. Well, it is not in my hand, to begin with.

Q. All right. A. What was the question again, sir?

Q. Can you tell us what the \$28.00 is for? For what period of time? A. Well, if these are months, this would be December 29, '63. It is hard for me to interpret something that someone else has put on there. These are obviously months and dates is [698] all I can say, sir.

Q. Sir, does this indicate payments for back periods?

Mr. London: Your Honor, I am going to object to the form of the question. The witness has said, "It is not in his handwriting," and he can't interpret it.

The Court: All right. I will sustain the objection. I think you can go about it a different way, Mr. Riddle.

Q. (By Mr. Riddle) Sir, can you tell by looking at Government's Exhibit 128, and tell what period of time the twenty-eight-dollar payment for Mr. McWhorter covers? A. I'm still unable to interpret it. I can't.

Q. I am not asking you to interpret it, sir. Do you know Mr. McWhorter? A. Yes, sir, I do.

Q. Was he an out-of-towner, or 562? A. To my knowledge, sir, he was a Local 562 member.

The Court: Do you know what the rate was then? For Voluntary Fund?

The Witness: Not exactly. That was—we are talking about 1964?

The Court: What is the date on there?

The Witness: February 2, 1964.

The Court: All right. Do you know what the rate was [699] then for 562 members?

The Witness: Well, the way it looks here, I mean it—of course I have to interpret this again, but I guess it was a dollar a day at that time.

The Court: Go ahead, Mr. Riddle.

Mr. Riddle: All right.

Q. (By Mr. Riddle) Sir, let me ask you this question. Can you tell, by looking at this exhibit, if member J. McWhorter, on February 2, 1964, caught up for back payments into the Fund? A. I would have to assume that he did, but I still can't interpret all these numbers here. I would assume the intention of the man that made this thing out was to take all of the voluntary monies that Mr. McWhorter had agreed to volunteer, and to add them all up and keep up to date with his list, as he did on these others that were more simple up here at the top.

Q. Mr. Marshall, do you know Mr. John O'Laughlin? A. Yes, sir.

Q. Have you talked to Mr. John O'Laughlin within the last hour? A. No, sir. He came back to the table up there, but there was absolutely no discussion of anything, absolutely.

Q. Did he make any statements at all to you? A. None whatsoever. I was sitting right across the [700] table from him when he came in, and we were just sitting there smoking, all of us, general discussion, and Mr. O'Laughlin said absolutely nothing to no one, to my knowledge, and specifically nothing to me.

Q. Sir, let me show you this folder, and ask you to go through it, take your time, and see if any of those sheets in there were prepared by you in your own handwriting. Let me have the exhibit back.

(The witness handed exhibit to Mr. Riddle.)

A. No, sir, none of them.

Q. Your testimony is that none of them were. Does your name appear as foreman on this job on each sheet?

A. As far as I can see, yes, sir.

Q. All right, sir. Now, sir, on this job, or on any job, was any member exempted from paying into this "Voluntary Fund", or any person exempt that worked on the job? A. Not to my knowledge.

Q. What about an apprentice? A. I think an apprentice was exempted. I am not sure.

Q. Sir? A. I don't think apprentices pay to the Voluntary Fund.

Q. You mean an apprentice didn't voluntarily pay? A. No. It was just not—He could volunteer, I would assume. I really don't know. I can't answer that for [701] sure.

Q. How did you find out that an apprentice was exempt from voluntarily paying?

Mr. Randall: I will object to the form of the question, Your Honor. The witness didn't say that.

The Witness: I don't know this, really.

(Thereupon, Government's Exhibit No. 129 was marked by the reporter for the purpose of identification.)

Q. I show you what's been marked Government's Exhibit No. 129, and ask you to examine it and see if that is in your handwriting? A. This is in my handwriting.

Q. Sir? A. This is in my handwriting.

Q. Is there anybody that appears on that sheet, out of seventeen people, who was exempted by you from paying on that date for the pay period covered ending on February 3, 1963? A. Yes, sir, there is a man at the bottom here that I have got marked "apprentice" and then I just have a dash over there where it says paid.

Q. What did you mean by putting the dash on it? That he didn't pay? A. No, I didn't mean that he didn't pay. Now, whether I was right in doing this or not, I don't know, but I think I [702] assumed that an apprentice didn't contribute to the Voluntary Fund.

Q. How did you make that assumption? From what information did you have available did you make that assumption? A. Just of my own thoughts. I mean I don't know that anybody ever told me that.

Q. Sir, from your own thoughts, did you know that an apprentice was exempt from paying his regular assessments and dues? A. His regular assessments and dues, an apprentice has to pay.

Q. He what? A. His regular mandatory assessments and dues to our U. A. and to our Local Union, an apprentice has to pay.

Q. He has to pay that? A. I would assume so.

Q. I want you to tell the Court and jury whether or not anybody told you to exempt and not collect from any apprentice that was on your job? A. Nobody ever told

me that. I mean nobody ever just came to me and said, "Now, the apprentices don't contribute."

Q. All right. Why did you put on this sheet, the Voluntary Contribution sheet, that this man is an apprentice? A. Well, in my own mind I thought there was a difference [703] between the two. I mean I wanted to indicate that he was an apprentice.

Q. You wanted to indicate to whom? A. To our Voluntary Fund where the—

Q. You wanted to indicate to the people up at the union hall that he was an apprentice?

Mr. Daly: I will object to that. He didn't say that he wanted to indicate to the Voluntary Fund.

The Court: Well, he will explain it. All right. Go ahead.

Q. (By Mr. Riddle) Sir, have there been other apprentices during the years that you have been collecting, that you haven't collected from? A. Not to my knowledge.

Q. Is this the only one? A. (Indicating yes.)

Q. Sir? A. Well, to my knowledge; to the best of my recollection, there may have been another one. I am not real sure.

Q. If you had an apprentice on your job today, would you exempt him? A. Yes.

Q. Why? A. Well, I mean I've never been told this specifically, [704] but I just assumed that the apprentices didn't contribute. Maybe I am wrong, but this was my assumption, and nobody has ever told me any different.

Q. This apprentice's name was Dennis Kilfoy? A. Yes, sir.

Q. How long did he work on your job? A. Oh, he was there for—Denny was there for a couple years, I suppose.

Q. Did he ever pay a single penny into this fund? A. You mean when he was an apprentice?

Q. Yes. A. Not that I know of. Like I say, I didn't collect it at that time that we are talking about.

Q. Is he a journeyman now, and a full member? A. Yes, sir.

Q. Is he paying now? A. Well, this I don't know. It would depend upon whether or not he decided to volunteer to the Fund.

Q. Is he working on your job, or has he worked on your job in the last few weeks? A. No, sir.

Q. Last few months? A. No, sir.

Q. Where is he working? [705] A. To the best of my knowledge, he is down at the brewery now.

Q. You don't know if he began paying into the Fund as soon as he got his journeyman's permit? A. I think he did pay into the Voluntary Fund. I'm not sure, but—

Q. Just— A. As he got to be a journeyman, I think he, like the rest of us, or like a lot of us, decided that he wanted to contribute to the Voluntary Fund, and I think that Dennis did also. Now, this is not for sure.

Q. Now, throughout the period of time that you have been collecting for as foreman, has any person other than an apprentice failed to pay into these collections into the Fund, to your knowledge? A. To my knowledge, no.

Q. That's the only person, or the only category of people? Apprentices? A. Well, it is not the only category of people, but I mean that's the only one that, as you say, failed to pay into the Voluntary Fund, to my knowledge, in the people that I was concerned with.

Mr. Riddle: The Government would like to offer into evidence Government's Exhibit 129, and ask it be received.

[706] The Court: All right. It will be received.

(Whereupon Government's Exhibit No. 129 was received in evidence.)

Mr. Randall: We have no objection, Your Honor.

(Thereupon Government's Exhibit No. 130 was marked by the reporter for the purpose of identification.)

Q. Sir, I will show you what's been marked Government's Exhibit No. 130, and ask you to examine that and see if it was prepared by you, and in your handwriting?

A. This is my handwriting; yes, sir.

Q. Top of the extreme right-hand column, in that column I take it shows collections, there appears to be something written that says \$1.00 per eight hours. Is that in your handwriting? A. Yes, sir.

Q. What was your purpose for inserting that on this exhibit?

Mr. London: Your Honor, again, may we see the exhibit before the witness testifies from it?

The Court: All right. Show him the exhibit.

(Mr. Riddle handed exhibit to defense counsel.)

The Court: Members of the Jury, I think we will recess for lunch until 2:00 o'clock. Bear in mind the admonition I have given you heretofore about not reading [707] anything about this in the newspapers, not listening to any radio or television broadcasts, not permit anybody to discuss it in your presence or hearing. Don't talk to any of the lawyers, parties or witnesses. Don't permit anyone to talk to you about it. If anyone should attempt to, notify the Court.

We will recess until 2:00 o'clock.

(Thereupon at 1:00 p. m. court was in recess for lunch until 2:00 p. m.)

Monday, September 9, 1968.

Afternoon Session.

(Thereupon, Government's Exhibit No. 131 was marked by the reporter for the purpose of identification.)

**EUGENE MARSHALL,**

having previously been sworn, resumed the witness stand for further direct examination by Mr. Riddle as follows:

Mr. Riddle: Please the Court. Sir, I will hand you what has heretofore been marked as Government's Exhibit 131, and ask you to examine it and see if you can identify it for the Court and jury, please?

A. I would say that I made this out.

Q. You made it out? A. Yes, sir. I recognize—it is printing, but I recognize—

The Court: Mr. Marshall, is that a Voluntary Fund [708] contribution sheet? Is that what that is?

The Witness: Yes, sir.

The Court: OK.

The Witness: Pipefitters Voluntary Fund sheet. I don't know now whether—

Q. (By Mr. Riddle) Sir, look at it carefully. A. — whether, I recognize the printing or not. I thought I recognized it, but—

Q. Well— A. Wait a minute. Let me see some of the people that's on here first. This writing here right here is not my writing. I mean the actual writing, and the printing either. I'd say no, this is not mine.

Q. Not part that was printed by you? A. No.

Q. Now, does that purport to be a report for the week ending January 19, 1964, on the Barnes Hospital job, with foreman Mr. E. Marshall? A. Yes.

Q. You were foreman on that job? A. Yes, sir.

Q. And you are known as E. Marshall? A. Yes, sir.

Q. It is your testimony that you didn't prepare this [709] exhibit 131, nor any part of it? A. I'd say no. The only way I would have to do this is to recognize some writing or some printing that I could identify as my own, and this writing is not mine, and the printing—I don't print like that either. So I'd say no.

Q. All right. Now, the writing you are referring to here—

Mr. London: May we see the exhibit, please?

Mr. Riddle: Yes.

Q. (By Mr. Riddle) Sir, the writing you are referring to is what? Will you tell the Court and jury that?

Mr. Daly: We are going to object to this. It hasn't been identified as his writing. We don't know who made it. It would be hearsay as far as this witness is concerned.

Mr. Riddle: Your Honor, I am not offering it for that. I am just offering it for the identification of this to determine for the Court and jury the writing that he's saying is not his. He has been indefinite about the rest, but this part he is definite about, and I'd like for that to be clear before we further identify the exhibit.

The Court: All right. He may answer.

The Witness: Shall I read it, Judge?

The Court: Yes.

Q. (By Mr. Riddle) Yes, the writing that you say was [710] not yours. A. It says, "Paid assessment on last job. Mailed in a-s-s-e-s."

Q. All right. Now, those comments refer to what three members on the crew at that time? A. Mr. O'Brien and Mr. Hutchcraft and Mr. Mayer.

Q. All right, sir. Now, you say that these sheets and this sheet, the ones with reference to the Barnes Hospital job, could have been prepared by Mr. G. Pantazi? A. This is possible.

Q. Now, Mr. G. Pantazi—what is his first name? A. George.

Q. What is he? A steward on the job? A. He acted as the steward on the job; yes, sir.

Q. Now, sir, was this sheet seen by you at the time it was prepared? Can you tell the Court and jury that? A. I don't think so. I never did go over and actually look at the sheets for any particular reason. I mean it was just between George and I, it was mutual, that some body would get the voluntary contributions to where they go, and George would take care of it. I would give him access to my books to show them the time, the people that were on the job, and then I didn't necessarily go over, and—I had no reason to go look at it. I mean—

[711] Q. Sir, there is an indication after each one of these figures, "Pd.," apparently meaning paid. Did you write those on there? A. No, sir.

Q. You didn't write those on there? A. No.

Q. Do you know where Mr. Pantazi is working now? A. No, I don't; not for sure. He is still with the Thomas J. Sheehan Company is all I can tell you.

Q. He is still steward for 562? A. I have no idea.

Mr. Riddle: All right, sir. That's all we will have of this witness.

The Court: All right. You may cross-examine.

**Cross-Examination.**

By Mr. Randall:

Q. First, could I have this card marked, please?

(Thereupon Defendant Union Local 562's Exhibit C was marked by the reporter for the purpose of identification.)

Q. Mr. Marshall, as I understand it, you have been either a general foreman or a foreman for the past ten years? A. Yes, sir.

Q. What is your pay as a general foreman, sir? A. Well, I get a dollar over the journeyman's scale, the [712] journeyman's scale being \$5.60, and I get \$6.60 per hour for a gross scale of —

Q. If you work a standard forty hours? A. Yes, sir.

Q. Do you work overtime on this job here? A. Occasionally, if the job requires.

Q. Now, during that period of time, as I understand it, occasionally you have acted as steward in the absence of a regular steward? A. Yes, sir. If there wasn't, like if there was a lot of men on the job, why normally there would be another fellow to keep me from using my time that rightly belongs to the Thomas J. Sheehan Company to perform my function, then this other gentleman would perform that duty so that voluntary contributions were brought to the proper place.

Q. And among the tasks that the steward did was to take the voluntary contributions? That was one of the tasks? A. Yes, sir.

Q. In addition to that, he also handled jurisdictional disputes, and things of that nature? A. Yes, sir.

Q. He was, in fact, the representative of the Local on the job? A. Yes, sir.

[713] Q. And you, as foreman, as a representative of the company there and running the job? A. Yes, sir.

Q. And, as I understand it then, in these particular numerous records that Mr. Riddle gave to you, showed to you, some few of those were made by you while you were acting as steward? A. That's right, sir.

Q. But for the vast majority of the time, you had another man who was the steward there, whose name was George Pantozi? A. Pantazi.

Q. Pantazi; is that correct? A. Yes, sir.

Q. Now, Mr. Marshall, have you been contributing during those ten years to the Pipefitters Voluntary Fund? A. Yes, sir, I have.

Q. Did you sign a card? A. Yes, sir, I did.

Q. I hand you what's been marked, Union Local 562's Exhibit No. C, sir, and I will ask you if that is the card you signed? A. Yes.

Q. And what is the date of the card? [714] A. It says January 14, 1963.

Q. Would you read the card, please? A. It is headed, "Voluntary Contribution Agreement."

"I, the undersigned, of my own free will and accord, desire to make regular contributions to the Political, Educational——"

The Court: Slow down, Mr. Marshall.

The Witness: ——"Legislative, Charity and Defense Fund which has been established and will be maintained by persons who are members of Local Union No. 562.

"I, therefore, agree to hereafter contribute—" and I have written in pencil \$1.00, "per 8-hour day to said fund and authorize my contributions to be used and expended by those in charge of the fund, in their sole judgment and discretion, for political, educational, legislative, charity and defense purposes.

"I understand that contributions are voluntary on my part and that I may revoke this agreement by a written

notice to that effect mailed to the fund or to persons in charge thereof. I also understand that my contributions are no part of the dues or financial obligation of Local Union No. 562 and that the union has nothing whatsoever to do with this fund."

And then it is signed by myself, and dated January 14.

Q. What year? [715] A. 1963.

Q. Now, Mr. Marshall, during this brief period that you collected these contributions, did you give any cards similar to that to any of the men? A. Yes, sir, I did.

Q. And did some of the men sign those cards? A. Yes, sir.

Q. Did they read the cards? A. Well, this I don't know for sure, but I told them to read them, and whatever they decided upon, to either sign them and I'd see to it that they got to the proper source.

Q. Did they sign the cards in your presence, or did they, some of them sign? A. No, not in my presence.

Q. They did not sign them in your presence? A. No.

Q. In other words, you left them with the men? A. Yes, sir.

Q. And then they turned them in to you later? A. Yes, sir.

Q. And then they paid to you in accordance with what they had agreed that they would do on that card? A. Yes, sir.

Mr. Randall: May I have the card?

[716] (The witness handed the card to Mr. Randall.)

Q. And the references that Mr. Riddle brought to your attention on some of those sheets referred to their agreement on this particular card here, where he said back pay, or \$1.00 per eight hours? A. Yes, sir.

Q. That's what the card says, doesn't it? A. Yes, sir.

Q. Or mailed in assessments. You were referring, or somebody was referring to this agreement here? A. Yes, sir.

Q. Which could be revoked at any moment? A. (Indicating yes.)

Q. Now, are you still paying to the Voluntary Fund? A. Yes, sir.

Q. Did anyone put any pressure on you to get you to make these payments? A. None whatsoever.

Q. Did anyone ever tell you that they were a condition to your membership in Local 562? A. Absolutely not.

Q. Or that they were necessary in order to retain your job? A. No, sir.

[717] Q. Anyone ever tell you to tell anything like that to any of the men working for you? A. Never.

Q. Did you ever tell anything like that to any of the men working for you? A. No, sir.

Q. Did any of these defendants, Mr. Callanan, Mr. Lawler, Mr. Seaton, ever say anything like that to you, or in your presence? A. No, sir.

Q. Sir, are you a Republican or a Democrat? A. I'm a Democrat.

Mr. Randall: That's all I have, Your Honor.

Mr. London: No questions.

Mr. Nangle: No questions.

Mr. Riddle: I have one or two additional.

### **Redirect Examination**

By Mr. Riddle:

Q. Sir, the Voluntary Contribution Agreement that was introduced in evidence by Mr. Randall was dated January 14, 1963. Did you sign another one at a later date? A. This same card?

Q. Yes. A. Not that I know of. Not that I recall signing another [718] one.

Q. Well, the contribution rate as appears on this card is \$1.00 here today, is it not? A. Per 8-hour day; yes, sir.

Q. All right. Well, now, has your contribution always been, since January 14, '63, \$1.00 a day? A. You mean including now? Currently?

Q. Yes. Has it changed from \$1.00 a day since you signed this card? A. Yes, it has.

Q. When did it change? A. I think when our checkoff system was accepted by our contractor. Our dues were taken right out of our pay.

Q. All right, sir. When your dues were taken right out of your pay? A. As I recall, that is when it was.

Q. Following the settlement of the strike? A. Yes, sir.

Q. Then this contribution was changed. Up or down? A. It was changed down, as I remember it.

Q. You mean reduced from a dollar down to something else? A. Yes, sir.

Q. Well, now, sir, to refresh your recollection, wasn't it increased to \$2.00 a day? No, strike that. That's not [719] correct. That's not correct.

Sir, during the period of time that you were making contributions to the Callanan Gift Fund, do you know what the rate was? A. It was the same; the same rate. It was a half-dollar a day, as I understand it.

Q. It was a half-dollar a day? A. That is what we agreed upon to contribute.

Q. Was this at a union meeting where you agreed on this contribution? A. No, never at a union meeting. It was always at a special called meeting for that purpose, for Voluntary Fund business. That is when it was agreed upon.

Q. When did you get your notice of that meeting, or who did you get it from? A. As I remember, I got it through the mail. It was a special meeting called at such and such a time, and—

Q. Who was it called by? A. It was called by our local union, I think.

Q. The meeting was called by your local union? A. Well, I mean it was a special, special business, it said, that was going to be taken up.

Q. But that was called by your local union? A. Yes.

[720] Q. Over whose signature did this call go out? Mr. Steska? A. I believe they are listed. There's several of the gentlemen listed there.

Q. That would be Mr. Callanan? A. Yes.

Q. Mr. Lawler?

Mr. London: I object to the form of the question, Your Honor. It would certainly be hearsay if we are talking about a document.

The Court: No, he can answer if he knows.

Mr. London: Also object to the form of the question.

The Court: Sustain it as to the form.

Q. (By Mr. Riddle) What names appear on the notice that you received? A. As I remember it, Mr. Riddle, I don't recall. I don't have a view of it in my mind right at the moment, but I was notified that there would be a special meeting of the Voluntary Fund—Well, it didn't say that, it just said a special order of business would be discussed.

Q. And this was on the regular letterhead of the Union? A. I don't know that I'd recognize a regular letterhead. I think it is a regular letterhead of the Union. I would imagine.

Q. Yes, sir. Now, you say that you signed this card, and I am just wondering if you will tell the Court and jury if [721] you read it over before you signed it? A. Yes, I did.

Q. Referring to the last sentence that appears on it, "I also understand that my contributions are not part of the dues or financial obligations of Local Union No. 562 and that the Union has nothing whatsoever to do with this fund", what did you understand that to mean? A. Well, I understood it to be that it was a separate and distinct fund that had absolutely nothing to do with my union, as far as my dues or assessments or anything of the like or that would pertain to my union. It was strictly a voluntary contribution.

Q. Yes, sir. Sir, do you remember seeing this large piece of equipment known as a decompression chamber? A. A decompression chamber?

Q. Yes. A large chamber that has been displayed around town in various places? A. I never have seen it. Maybe I have heard of it. I don't know much about it. Let's put it that way.

Q. Have you ever heard about the decompression chamber that the Union has? A. Yes, I have. I think I have.

Q. Does that belong to the Union? A. This, I don't know. I couldn't say. I really [722] don't know.

Q. Well, were you at any union meeting when the purchase of this decompression chamber was discussed? A. Well, I haven't been—I haven't gone to as many union meetings as I really should have, and I imagine if it was discussed at a meeting, I wasn't there, because—

Q. Well, you don't know whether this decompression chamber was purchased by the Union or the Fund? A. No, sir, I couldn't tell you.

Mr. Riddle: All right. I have nothing further of this witness, Your Honor.

The Court: Any other questions?

Mr. Daly: I have nothing.

The Court: All right. You may be excused, Mr. Marshall.

The Witness: Thank you.

(Witness excused.)

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**GUY RICHARDSON,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. State your full name for the Court and jury, please.

A. Guy Richardson.

Q. What is your address, sir? [723] A. 8709 Nashville.

Q. In what town? A. Richmond Heights.

Q. Richmond Heights? How old are you, Mr. Richardson? A. Fifty.

Q. Are you a member of Pipefitters Local 562? A. Yes, sir.

Q. And for how long have you been a member? A. Twenty-seven years.

Q. Sir, are you presently a foreman? A. Yes, sir.

Q. How long have you been a foreman? A. Maybe ten years.

Q. And before that you were a journeyman fitter? A. Yes, sir.

Q. What job are you working on now? A. Merck Chemical Company.

Q. I couldn't hear. A. Merck Chemical Company.

Q: Are you a foreman there? A. Yes, sir.

Q. How long has that project been underway? A. About nine months.

Q. Prior to that, where did you work? [724] A. I was at the Chrysler Plant. No.

Q. How long were you there? A. Proctor & Gamble, I think before that.

Q. And approximately how long were you there? A. Oh, four or five months, I think. I'm not certain.

Q. Sir, 19 and 63, were you foreman at the Fisher Body project? A. Yes, sir.

Q. Do you remember that job? A. Yes, sir.

Q. Sir, about how many men did you have on your force then? I am talking about the year '63 at the Fisher Body job. A. I think there's at the peak, there was about 115.

Q. And did it decrease at times where the number would be much less than that? A. Yes, sir.

Q. Would it average as much as 50 or 60 throughout the period? A. Somewhere in that neighborhood; 40 or 50, maybe.

Q. All right, sir. Do you have any assistant foremen working under you on that job? A. Yes, sir.

Q. Who were they? A. Oh, at the peak I had fifteen or sixteen foremen.

[725] Q. All right, sir. Sir, during the twenty-seven years that you have been a member of Local 562, have you become acquainted with the terms "assessment" and "dues"? A. Yes, sir.

Q. Do you know what an assessment is? A. Yes, sir.

Q. What is an assessment, sir? A. Well, it is paid direct to the Local, as far as I know.

Q. And what is it based upon? Is it a flat rate, or is it tied to a formula? A. Oh, I think there is a flat rate on assessments.

Q. All right, sir. And what is a plain dues? A. Well, that is your monthly dues paid to the Union.

Q. All right. Sir, what is your understanding of the penalty involved for failure to pay your assessments and dues with your Local? A. Well, your dues must be paid or you can be expelled from the Union.

Q. What about your assessments? A. Well, assessments must be paid too.

Q. Have you always been current on your assessments and dues? A. Yes, sir.

[726] Q. Sir, as a part of your—strike that. Were you a steward at the same time you were foreman on this Fisher Body job? A. No, sir

Q. Have you ever served as a steward for your local? A. Not on any large jobs. Maybe small jobs, if you run them you may take care of the steward's job too.

Q. How are you selected, or who makes your appointment as a foreman? A. Well, it is generally made by Sheehan Company, or whoever you are working for, the contractor.

Q. Do the people at the hall have anything to say about that? A. Not that I know of. I guess in some instances maybe they will, but the company generally takes care of that.

Q. All right, sir. Do you get paid more as a foreman than you would as a journeyman? A. Yes, sir.

Q. How much more per hour? A. Right now a foreman is 50 cents an hour.

Q. As part of your job, and a part of your activities when you were working on the Fisher Body plant, did you have occasion to collect money from members working on

your crew? A. I don't think I did there. I think there was a [727] steward took care of it.

Q. Sir? A. A steward took care of it, as far as I know.

Q. Well, do you know who the steward was? A. Tom Conroy.

Q. Mr. Tom Conroy? A. Yes, sir.

Q. Well sir, throughout the year 1963, on the Fisher Body job, did you make any collections? A. I may have right at the beginning, before they had a steward. I don't really recall. It started out as a fairly small job. I may have then.

Q. Well, sir, did you make out the reports, or did the steward make them out? A. I am pretty sure he made them out. I couldn't say definitely though.

Q. Could you tell by looking at them whether or not you made them out, or he made them out? A. Yes, sir.

(Thereupon Government's Exhibit No. 132 was marked by the reporter for the purpose of identification.)

Q. Handing you what's been marked Government's Exhibit 132, I ask you to examine it and see if you can tell the Court and jury if you made that one out? [728] A. No, sir, I didn't.

Q. You did not make it out? A. No.

Q. Can you identify the handwriting of the man that did? A. No, I couldn't.

Q. Well it appears to have your name at the top as the foreman, G. Richardson. A. That's right. I was the foreman, but I don't think that's my handwriting.

Q. You say you don't think. Are you quite reasonably certain that it is not? A. Well, I very seldom print. I generally write them in longhand, and as I say, I don't think that's my printing.

Q. Well, sir, assuming that your steward made this form out, and the others for that period, where did he get this

information that went on the sheets? A. Well, as far as I know, whoever paid him came to him and gave him the money, and he would make the sheet out.

Q. Well, where would he get his information as to the number of hours worked? A. From my time book.

Q. From your time book? A. Yes, sir.

Q. Did you give him the time book? [729] A. Yes, sir. It was there for him to look at whenever he wanted to.

Q. Did you take any of the money into the hall resulting from these collections? A. No, sir.

Q. Did you ever? A. Not on that particular job. I may have once in a while, but as a rule Mr. Conroy took them in.

Q. I see. Sir, in connection with these collections, did you have occasion to converse with the steward, Mr. Conroy, about them and about who was paying and who wasn't paying? A. No, sir. That was his job.

Q. Did you have occasion to discuss with him back assessments? A. No, sir.

Q. As to who was behind? A. No, sir.

(Thereupon Government's Exhibits Nos. 133, 134, 135, 136, 137 and 138 were marked by the reporter for the purpose of identification.)

Q. Sir, I want to show you what's been marked Government's Exhibits 133 through 138, and ask you to examine them and see if you can tell the Court and jury if you prepared any of those reports? Or if you made any of the entries [730] that appear on any of those reports? A. I don't think I made any of these out.

Q. You didn't make any of them out? A. No, sir.

Q. And none of the entries, or none of the writing that appears on any of them, is in your handwriting? A. No, sir. Not as far as I know. As I say, I generally wrote. Anything I wrote, I wrote in longhand.

Q. I notice there is some lettering on here that is in longhand. For example, I call your attention to the words "back assessment." A. No, sir. I have never marked a sheet "back assessment."

Mr. London: May we approach the bench?

The Court: Yes.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. London: At this time, if the Court please, we want to object to Mr. Riddle's referring to statements as back assessments on these exhibits, which the witness has indicated are not in his handwriting. I'd like to call to the Court's attention that this has been a repeated pattern on the part of the Government to refer to these statements, which are obviously hearsay, on these documents, that they were not [731] prepared—

The Court: These are the documents of the Voluntary Fund.

Mr. Riddle: Yes, they are, Your Honor.

Mr. London: We still do not know who made these entries.

The Court: Are they the documents of the Voluntary Fund, or aren't they?

Mr. London: I will ask the Government. They are using these documents.

Mr. Riddle: Your Honor, they are the documents that were referred to the grand jury in response to a subpoena, and these are copies of them. The originals are in the hands of the defendants. They were handed to the grand jury and then to us as original records of the so-called Voluntary Fund.

Mr. London: The point that I am making, Your Honor, is that the witness that Mr. Riddle has on the stand, it is his witness, and he said that he did not prepare the entries on these documents, and Mr. Riddle uses the document to refer to the words "back assessment," which we feel is highly prejudicial to the defense and the defendants in this case, and we ask that it be stricken, the jury instructed to disregard it, and a mistrial be declared, and in the absence thereof we would certainly request the Court to instruct Mr. Riddle to [732] discontinue the tactics of continuing to refer to these.

The Court: I will overrule all requests, with the exception that I don't think you ought to refer to those items on there, Mr. Riddle, and I think you can refer to the handwriting and ask him if it is his or not. On the other hand, gentlemen, this man is an employee of 562, even though he is called by the Government.

Mr. London: This man is what?

The Court: He is in the employ of 562. He is a member of 562. All right.

Mr. Riddle: Your Honor, I don't really intend to pursue this greatly further, except for the purpose of pinning this witness down as to whether these are his, rather than another witness come in and say, "Well, no, I didn't write that. Somebody else did." We are dealing with their records, and I am doing the very best I can to get them identified.

The Court: All right.

(Thereupon the trial was resumed before the jury as follows:)

Mr. Riddle: Sir, I believe that in view of the testimony, we will not have any further questions of this witness at this time. We'd like to reserve the right to recall him.

The Court: All right.

[733]

**Cross-Examination.**

By Mr. Randall:

Q. Mr. Richardson—pardon me, Your Honor. I want to get this marked first.

(Thereupon Defendant Union Local 562's Exhibit D was marked by the reporter for the purpose of identification.)

Q. Mr. Richardson, as I understand it, for a good many years you have worked as a foreman on various Pipe-fitter jobs; is that correct, sir? A. Yes, sir.

Q. And you are presently working as a foreman on some job? A. Yes, sir.

Q. What job is that? A. Merck Chemical, and partly on Coca-Cola.

Q. And you have been a foreman at least ten years? A. Well, roughly. Maybe not quite that long. Maybe eight years. Somewhere in that neighborhood.

Q. And for approximately seventeen or eighteen years prior to that time you worked as a journeyman pipe-fitter? A. Yes, sir.

Q. And what is your rate of pay as a foreman, sir? A. Well, it is 50 cents more than a journeyman.

Q. Do you know what that is? [734] A. Well, I think that journeyman—we just got a raise. I think a journeyman is a dollar sixty-two and a half, or the foreman is a dollar sixty-two and a half.

Q. Now, as a foreman, it is your job to see that the men get the work done? A. Yes, sir.

Q. In other words, you are more or less the manager of the job; is that correct? A. That's right.

Q. And ordinarily, as a foreman, you have no function with respect to union duties? A. No, sir.

Q. And that is the job of the steward on the job? A. Yes, sir.

Q. However, in some occasions where the job was small, you acted as steward also; am I correct? A. That's right.

Q. And in those few occasions, you may have collected or received the contributions for the Voluntary Fund? A. Yes, sir.

Q. Now, as a member of the Union, you are familiar with the fact that your By-Laws and Constitution and the By-Laws and Constitution of the National Association require the payment of dues and assessments? [735] A. Yes, sir.

Q. And if they are not paid, the member may be expelled from the Union; is that right? A. That's right.

Q. And your contract with the various construction people require that they either be members of the Union or join the Union at a certain time; isn't that correct, sir? A. Yes, sir.

Q. So that, in effect, if men do not pay the dues and assessments, they may not work? A. Well, I don't collect the dues or assessments.

Q. You don't collect them? A. No, sir.

Q. But they have to pay them in order to work? A. Yes. They pay those to the union hall, not to me.

Q. In fact, they are checked off at the present? A. Yes, sir.

Q. But years ago they paid them at the union hall themselves, and also sometimes on the job, didn't they? A. Yes, sir.

Q. Now, this Voluntary Fund, of course, so far as— did you ever tell anyone that it was necessary to pay into the Voluntary Fund in order to continue their employment or their membership in the Local? [736] A. No, sir.

Q. Did anyone ever tell you to tell anyone— A. No, sir.

Q. —this thing? Did Mr. Callanan, or Mr. Lawler, or Mr. Seaton ever tell you that you must pay into the Voluntary Fund in order to continue working? A. No, sir.

Q. Did they ever tell you to tell anyone else that? A. No, sir.

Q. Did you ever hear anyone told that? A. No, sir.

Q. Have you contributed to the Voluntary Fund throughout its existence? A. Yes, sir.

Q. And did you sign a Voluntary Agreement Card? A. Yes, sir.

Q. I hand you what's been marked Union Local 562's Exhibit D, and I will ask you, sir, if that is the card you signed? A. Yes, sir.

Q. And what is the date of the card? A. January 15, 1963.

Q. And is it witnessed by someone? A. Thomas Conroy.

[737] Q. And who was he, sir? A. Steward.

Q. He was the steward? A. Yes, sir.

Q. Did you ever pass any of these cards out to any of the people who worked for you on these jobs where you were the foreman? A. Yes, sir. The cards are there when a man starts, where they are there for him to sign if he wishes.

Q. And did you give them any instruction with respect to these cards? Any of the men? A. No, sir. Just told them to read it, and it was up to them.

Q. And you told him it was up to him as to whether he signed it or not? A. Yes, sir.

Q. And whether he contributed or not? A. Yes, sir.

Q. Do you know anyone who does not contribute to the Voluntary Fund? A. There's a few. I don't really know whether they do or not. They don't give it to me. It is up to them if they want to give it to me or take it in. They don't give it to me.

[738] Q. In other words, there's a few on some of the jobs, they don't contribute to you? A. Yes, sir.

Q. And you don't know whether they went to the hall and contributed or not? A. No, I don't.

Q. Did you ever put any pressure on them to get them to contribute? A. No, sir.

Q. Do you know of anyone who did that? A. No, sir.

Q. Do you know whether or not they contribute at all? A. I say I don't know, if they don't give it to me. They can either give it to me and I will take it in to save them a trip, or they can take it in themselves.

Q. And you don't know whether they contribute or not? A. I don't know whether they do or whether they don't.

Q. And what political party do you belong to, sir? A. Democratic.

Mr. Randall: That is all, Your Honor.

The Court: Anything else?

Mr. London: No questions.

The Court: Redirect?

Mr. Riddle: Yes, Your Honor.

[739]                    **Redirect Examination.**

By Mr. Riddle:

Q. Sir, on these very few people that haven't paid to you, do I understand your testimony to be that you told them that they can pay it to you or take it in to the hall, whichever they want? A. Yes, sir.

Q. Are those the two alternatives that you offered them, namely, one, pay it to you, or pay it in the hall? A. No. I just tell them if they want to give it to me, I will take it in for them. If they don't, they can take it in themselves. It doesn't make any difference to me.

Q. Just as long as they pay it? A. No. That is their business, not mine.

Q. Sir, I believe you said that these Voluntary Cards, are on the job when you people show up? A. Yes, sir.

Q. Where do those cards come from? A. Well, when I say they are on the job, sometimes they are. If you are out of them, it may be a few days or a week until I get some more. If I need them, when I go in to the hall I pick some up and have them there available for them.

Q. Sir, throughout the period of time that you have been a foreman, and during this period of time that you have [740] been giving these cards, or making them available to people who are coming on the jobs, on any occasion has a person told you, "No, I will not sign"? A. A few times.

Q. Can you give us the names of those people? A. No, I don't believe I can. The last time I can remember was at the Chrysler plant, but I don't remember the names. They were fellows that I weren't familiar with.

Q. Did they stay around on the job? A. Yes, sir.

Q. How long? A. Until there was a layoff, or the job was finished.

Q. Until there was a layoff. All right, sir. Now, then when a layoff comes, who makes the determination as to whom is laid off and who is re-employed? A. Myself or my riding foreman.

Q. Your riding foreman is the man senior to you who is also a member of Local 562? A. He is a member of 562, but he is a riding boss for the contractor.

Q. Sir, on this job out—did you say it was Fisher or Chrysler? A. Chrysler, I believe.

Q. Chrysler. You say there were three people that refused? [741] A. No. I said I remember a few not signing them. I don't know exactly how many, or their

names, but it seemed to me there was a couple there that didn't sign them.

Q. Oh, just a couple now? A. Yes.

Q. In addition to this couple, has anybody else, to your knowledge, throughout all these years, said that he would not sign a card when he came on the job? A. Not that I can remember, but most of the big jobs I didn't have charge of signing the cards.

Q. I am just talking about the ones that you saw. A. Yes, sir.

Q. And had personal knowledge of. You say there was a couple. Do you remember their names? A. No, sir, I don't.

Q. Do you remember how long they worked? A. Well, practically to the end of the job. When the job was done, why the last week or so everybody was laid off.

Q. Well, were they laid off earlier than anybody else? A. Not that I know of; no. No.

Q. How long did they work? A. We were there, I guess a year and a half or two years.

Q. How many on that crew? A. On my job, I had approximately fifty men.

[742] Q. All right, sir. Now, then, these two people you were talking about, you say they refused to sign a card? A. When I say—I say there was a couple that I don't remember signing it. There was also a steward there that took care of it too.

Q. You are not telling the Court and jury that they didn't sign a card? A. That's right. Seems to me there was a couple. I couldn't swear to that, or how many, but there was a steward that handled affairs out there.

Q. Did these two pay their doby? A. That I couldn't say.

Q. You are familiar with the term "doby", are you not? A. Do you mean Voluntary Fund?

Q. My question is are you familiar with the term "doby"? A. I think so.

Q. Have you ever heard it before? A. I don't think I have.

Q. Doby? A. No.

Q. You don't know what it is? A. No.

Q. You don't know whether these two people paid into [743] the Fund or not? A. No, sir, I don't.

Q. If you wanted to know, how would you go about finding out? A. I'd probably have to ask the steward.

Q. All right. And if the steward didn't know, could you call the hall and find out if they had paid? A. I don't know whether they could give me that information or not.

Q. Have you ever called down there to find out if somebody paid? A. No, sir, I didn't.

Q. You never have. Nothing further.

### **Recross-Examination.**

By Mr. Randall:

Q. Mr. Richardson, in the ten years that you have acted as a foreman on jobs, have you ever laid any man off because he did not contribute to the Voluntary Fund? A. No, sir.

Q. Has anyone ever asked you to lay anyone off because he did not contribute to the Voluntary Fund? A. No, sir.

Q. Has any of these defendants ever asked you to do that? A. No, sir.

[744] Q. Have you ever given a man less overtime because he didn't contribute to the Voluntary Fund? A. No, sir.

Q. Did anyone ever ask you to do that? A. No, sir.

Q. Did you take any interest at all in the Voluntary Fund, except when you had to collect it? A. No, sir, I didn't.

Q. You just devoted yourself to running the job and running the men on the job? A. That's right.

Q. Exclusively? A. Right.

Mr. Randall: That's all.

### Redirect Examination.

By Mr. Riddle

Q. In answer to Mr. Randall's questions, were you referring just to these two people that didn't sign a card, as far as you understood? A. Yes, sir.

Q. All of the other people that worked under you, so far as you knew, signed the card and paid the money? A. I imagine they did. There is nobody that told me any different.

[745] Q. So there wasn't any occasion for you to lay them off, if you wanted to? A. No, sir. Not when I was collecting it. If I wasn't collecting it, I didn't have anything to do with it.

Q. When you were collecting it, everybody paid, didn't they? A. Not everybody.

Q. Not everybody? A. No.

Q. Do you recall somebody that didn't pay? A. Yes, sir. I have a man that I told him he could either give it to me or take it in himself. Whether he pays it or not, I don't know.

Q. You told him he had those two alternatives? A. I just told him if he wanted me to take it in for him, he could give it to me and I would take it in, I would save him a trip, but that was up to him.

Q. Do you know his name? A. Yes, sir. Charlie Riley.

Q. When was that? A. On the Merck Chemical.

Q. How long ago? A. Well, right up to the present time.

Q. You don't know whether he is paying into the hall [746] or not? A. No, sir, I don't.

Q. Is that the only man on that job that is not paying directly to you? A. Yes, sir.

Q. I see. Well, sir, in answer to Mr. Randall's question, you said that you have never denied a man his share of the overtime because he hadn't paid. The fact of the matter is nobody except this fellow O'Riley, so far as you know, has refused to pay, or hadn't paid. You are not even sure about that? A. That's right.

Mr. Riddle: I have nothing further.

The Court: Anything else?

Mr. Randall: One question.

#### **Recross-Examination.**

By Mr. Randall:

Q. On the other hand, you don't know whether they are paying or not, do you? Many of the people? A. No, sir, I don't.

Mr. Randall: That's all.

Mr. Riddle: Nothing further of this witness.

The Court: Step down.

(Witness excused.)

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[747]

**JOHN B. SEECK,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. You are John B. Seeck? A. That's correct.

Q. Your last name is spelled how? A. S-e-e-c-k.

Q. What is your address? A. 9423 Zane Drive, Affton, Missouri.

Q. Are you a member of Local Pipefitters Union 562? A. Yes, sir.

Q. How long have you been a member? A. About twenty-seven and a half years.

Q. Are you a foreman? A. Sometimes.

Q. Are you a foreamn at the present time? A. No, sir.

Q. What job are you working on now? A. Which one?

Q. Are you working on a job down at Sikestop, Missouri, now? A. No, sir.

Q. Have you been down there recently? [748] A. No, sir.

Q. Which job recently have you been a foreman on, sir?

Q. Are you a foreman at the present time? A. No, sir.  
man.

Q. General foreman. All right. What job have you been a general foreman on? A. The KFVS TV Building, the Naval Building, the two college high rises, the Corp's store and the Lutheran School.

Q. These are all projects located where? A. In Cape Girardeau, and there is one on the old folks' home which is outside of Cape Girardeau.

Q. Over what period of time have you been working on those jobs at Cape Girardeau? A. Since, I believe it was the first or second week of September, last year.

Q. All right. Since September of '67? A. Yes, sir. That's right.

Q. Now, have you been working pretty regularly down at Cape on these various jobs? A. This is the second time that I was down there. I was down there approximately thirteen months, but it had been eleven months previous to this September.

Q. All right, sir. Now, what size crew do you have under your supervision as a general foreman? [749] A. Do you mean now on these particular jobs?

Q. Yes. A. It varies from ten to fourteen, fifteen men.

Q. Ten to fourteen, fifteen men? A. Yes, sir.

Q. Sir, on the job at Cape Girardeau—By the way, how far south of St. Louis is Cape Girardeau? A. One hundred twenty-six miles.

Q. Do you have people working on that job, on those jobs, from the Local Union 317? A. No.

The Court: 318.

Mr. Riddle: 318, rather. Excuse me.

A. 318; yes, sir.

Q. (By Mr. Riddle) Do you have people working on the job also who are members of 562? A. Yes, sir.

Q. What is such a project or job where members of 318 and 562 are working side by side? A. What was that again.

Q. Would you give the Court and jury the name of a job project on which members from 318 and 562 are working side by side? A. Any one of those jobs that I mentioned.

[750] Q. All right. Let's take the KFVS Station. How many people from 318 are working on that job, or were working? A. On that job, from six to eight men.

Q. All right. And how many on that job from 562?

A. At different times there could have been one or two.

Q. All right. Sir, as a general foreman, regularly on a Monday did you make a collection of money from the people on your force? A. No, sir, I did not. As a rule I would do it on Friday.

Q. On a Friday. Did you do it every Friday? A. No, sir. I waited and done it every other Friday.

Q. So you did it what, twice a month? A. Twice a month is——

Q. All right. Approximately then. How did you make these collections? Cash or check? A. Some cash, some by check.

Q. All right, sir. When you made the collection, did you fill out a form? A. Yes, sir.

Q. And put the man's name and whether he was a member of Local 318 or 562? A. Yes, sir.

Q. And put the amount that he paid to you? [751] A. Yes, sir.

Q. And sent that all in to the union hall? A. Yes, sir.

Q. Sir, referring your attention to the KFVS job, how much per day did you collect yourself from the 318 members? A. \$2.00 per day.

Q. How much did you collect per day from the same job at KFVS from the 562 members? A. A dollar per day. No, it was 50 cents per day. I am sorry.

Q. Fifty cents per day? A. Yes, sir.

Q. If they worked overtime, would your collections from them be greater? A. We did not work any overtime.

Q. It was all straight forty hours a week? A. Yes.

Q. So your collections were all at an even figure? A. Yes.

Q. For the regular members, \$2.50 a week? A. That's right.

Q. And for the Cape Girardeau members, \$5.00 a week—I mean \$10.00 a week? A. That's right.

[752] Q. That's four times as much from the Cape members than from the 562 members? A. \$2.50 from the 562, and \$10.00 from the Cape.

Q. That is four times greater? A. That's right.

Q. I see. Sir, did the people who were working, and who were members of the Cape local, to your knowledge, were they aware that they were paying four times as much to you in cash each week as the regular 562 members? A. Yes, sir.

Q. Did they know that? A. (Indicating yes.)

Q. Well, sir, just how do you go about making this collection? Where does it occur, and just what does take place? A. Well, as a rule, on a Friday afternoon, or sometime during the day, after lunch, or sometime like that, we would, just when we finished eating, as a rule, I would say, "Meet me at my plan desk," and I would fill out the sheet, and that's the way it was taken care of.

Q. Who decides when and where the collection will be made? You or them? A. Myself, because I could have been on any different job, or anything, and I don't like to carry money around with me for fear of losing it or something like that.

[753] Q. Well, at whose direction do they come to your office and to your place to make the payment? A. It would, as a rule, be through my foreman.

Q. Did you tell your foreman to tell the boys to come in now? A. Yes, or he would go around and collect it on the job for me.

Q. Does he ever go out and collect without your specifically telling him to? A. No.

Q. I mean on each and every occasion, I am talking about the KFVS job, or other jobs down at Cape Girardeau. Did you tell the foreman to pick up the money, and he waits until he hears from you? A. That's right.

Q. Do you tell the foreman how much to pick up from the Cape members? A. Well, it is just a standard amount, I mean.

Q. Do you tell him that employees or members so-and-so from Cape, he owes X number of dollars this week? A. No.

Q. What do you tell him? A. I don't tell him anything. Just tell him to pick up the contributions and not take it in.

[754] Q. Well, do you tell him how much the contribution is? A. No. It's just been—no. If you work eight hours, it is \$2.00, and we pay 50 cents.

Q. You pay 50 cents, and they pay \$2.00? A. Yes.

Q. Sir, any of the fellows down there refuse to pay you this? A. No, sir.

Q. Are you familiar with the term "doby"? A. Well, the only way that I know too much about the term doby is my little girl's girlfriend has a horse down there named Doby.

Q. I see. My question, sir, I suppose, should be more specific. Have you ever heard any of the fellow members of the Cape 318 refer to these "contributions" as doby payments? A. No, sir, I can't say that I have.

Q. Are you telling this Court and jury that you never heard of the word "doby", except as being the name of your little girl's horse? A. I didn't say my little girl's horse.

Q. All right. Whatever you said. A. I'm saying if I heard it, it went over my head. I'm not familiar with that term; no, sir; I am telling you exactly that.

[755] Q. That term is foreign to you? A. As far as I am concerned.

Q. Except for the way you described it. Sir, these people that came to you in the KFVS job, did you give them one of these contribution certificates or cards? A. Yes, sir.

Q. When did you give it to them? A. When I first went on the job.

Q. When you went on the job? A. Yes.

Q. Was the job just beginning then? A. Yes, sir. As far as our work was concerned, the job had already been started, as far as the carpenters and the ironworkers and electricians, but as far as the air conditioning and piping, when I went down there our work was just beginning.

Q. So you went there in charge of the job. You were going to be responsible for all the pipefitting that was done there? A. That's correct.

Q. And you got a crew or a force to work under you? A. That's correct.

Q. So on a certain day, presumably in the morning, you and your crew got together? A. That's right.

[756] Q. And you and what? Nine or ten people? A. No. When I first went down there, I started out with four men, I believe.

Q. Four men. So—Were these Cape men? A. I would have look at my records to be certain on that, but from memory, to the best of my knowledge, I believe they were all Cape men.

Q. So you and the four of them were together the first day of the job? A. That's right.

Q. All right. Did you give them the cards then? A. That's correct.

Q. The first time after you got there? A. Oh, sometime in the morning. You are going back to September. I

couldn't honestly say whether it was five minutes after 8:00 or two minutes after 8:00. Sometime during the day when they filled out their state and federal forms for the company.

Q. In other words, when they were filling out all the other forms? A. That's right.

Q. You just give them this form also? A. Yes.

Q. And then sign it? [757] A. Yes, sir.

Q. Did you tell them what it was? A. Yes, sir. I told them to read it.

Q. Did they read it? A. Well, I would suppose so.

Q. Well, could you tell if they were reading it, or did they just sign it? A. Well, what every man was doing—one might be over in the corner here, and one there and one someplace else. I didn't watch to see just exactly which was doing what.

Q. The fellows that went down with you who were members of 562, did they sign a new card on that job? A. Yes, sir.

Q. They signed a new card also? A. Yes, sir.

Q. Did the people from Cape Girardeau fill in the cards to show that they are going to pay \$2.00 a day? A. Yes, sir.

Q. They filled in the amounts? A. They didn't fill in the amount, I don't believe. I don't really remember, to be truthful with you. You have to look at the cards.

Q. Yes, sir. Sir, is there any difference in the jobs that the fellows who pay you \$2.00 a day do, from the fellows [758] who pay you 50 cents a day? A. In one or two instances, it is.

Q. Well, is the difference in the rate related to the type of work they do? A. No.

Q. Is it related to the amount of pay they get? A. Sometimes. Some of them are foremen.

Q. Well, I am talking about excluding foremen. A. Yes, but you didn't say that.

Q. All right. Do foremen pay more than regular people? A. No. The foremen are paid more.

Q. Yes, sir, but do they pay more into this Fund? A. No.

Q. That you collect every Friday? A. No, sir.

Q. All right, sir. My question, sir, was is the amount that the people from Cape pay, and the amount that the people from 562 pay, is that related to the amount of money that they get per hour? A. No, sir.

Q. So if they are making \$10.00 an hour, and if in Cape they still pay two bucks a day—— A. How much an hour?

Q. If they are making \$10.00 an hour, even if they were [759] making \$10.00 an hour for an 8-hour day, they pay two bucks? A. That's right.

Q. The people from St. Louis, if they are making \$10.00 an hour, they still pay 50 cents? A. That's right.

Q. Or the figures could be different from that. The amount of payment would still be the same for eight hours? A. That's right.

Q. Now, sir, at the same time that the people from Cape Girardeau are paying you \$2.00 a day, or \$10.00 a week, or \$40.00 a month per head, are they also paying union dues to their Local 318? A. I wouldn't know. You'd have to ask them that.

Q. You don't know that? A. I wouldn't know.

Q. Or any local assessments? A. I wouldn't know that.

Q. To 318? A. That would be up to them. Their union business agent would have to determine that. That's their local's business, not mine.

Q. I see. Are the people who are members of 318, as far as you know, residents of Cape Girardeau, or in that immediate vicinity? [760] A. No.

Q. Where do they live, generally? A. Well, they could live in St. Louis. They could live any place.

Q. And still be a member of Cape Girardeau local? A. That's right.

Q. Well, the people working on the job at KFVS, where do they live? A. Some are in Sikeston; some in Jackson; some in Poplar Bluff.

Q. That is all in the vicinity of Cape Girardeau? A. That is eighty miles away, some of those towns.

Q. Jackson is — A. Poplar Bluff is.

Q. How far away is Jackson? A. About eleven miles.

Q. And Sikeston? A. About thirty-seven.

Q. Some live right in Cape Girardeau, do they not? A. Yes, sir.

Q. Sir, in discussing this fund, or the payments, with the boys from Cape Girardeau, at the rate of \$10.00 a week, have you ever explained to them what use is made of this money that you collect each week from them? [761] A. No, sir, I don't believe I have. That isn't up to me to decide what is done with it.

Q. You have never explained to them what is happening to their forty bucks a month? A. No, sir. I do know that in one particular instance I told them that I knew of a Girl Scout leader that received money from the Charity Fund for her Girl Scouts to help make Christmas presents for the aged. I do know of that to be a fact.

Q. Is that the only time you ever explained what happened to their money? A. It just particularly happened one time I knew this had happened, around Christmas-time.

Q. You just told the boys that? A. I don't know how many of them I told. I mentioned that it had taken place.

Q. Did it appear to make them happy? A. They thought it was a good thing.

Q. Did they ever ask you why they were contributing four times as much as their fellow workers from St. Louis?

A. No, sir.

Q. None of them ever asked you that? A. No, sir.

Q. Now, sir, is that a fairly typical situation that you [762] have run into down at Cape Girardeau and that area, where you have members of 562 and 318 working side by side? A. Would you state that again, please?

Q. Is this a fairly typical—you have described the situation at KFVS. A. Yes, sir.

Q. Where you have got 318 people working side by side with 562 people. A. Yes, sir.

Q. And the 318 people are paying four times as much to you each week as the 562 people. A. Yes, sir.

Q. Is that a fairly typical situation? A. Yes, sir.

Q. Does that happen on all the jobs down there? A. I can only vouch for mine.

Q. And that is what? Four or five that you gave me? A. Yes, sir.

Q. Sir, were you working down in that area during the period of the Callanan Gift Fund?

Mr. Daly: Your Honor, we object to that. Ask all previous objections to go to this question.

The Court: It will be overruled.

The Witness: What did you say?

[763] Q. (By Mr. Riddle) Do you remember the Callanan Gift Fund? A. Yes, sir, but I can't remember when it took place.

Q. All right. Were you working down around Cape Girardeau? A. I don't know. I mean I couldn't honestly say. I don't remember when or where I was. You would have to look at my time sheets to see where I was at that time. I have been on so many jobs out of town.

Q. Yes, sir. You don't remember what job you were working on during that period? A. No, sir.

Q. You remember the time you were collecting money for it? A. To be truthful with you, I don't.

Q. Do you remember paying into it yourself? A. That is a long time ago, and I couldn't honestly say I remember how long we paid into it, or anything else. I really don't know.

Q. Does 1966 appear to you to be a long time ago? A. I would say so.

Q. You don't know if you paid anything in the Callanan Gift Fund or not? A. I would say that I paid into it, yes, but, I said I don't remember when, as far as what month, or week, or date, or [764] anything like that.

Q. Or how long? A. No, sir.

Q. Or how much? A. No, sir.

Q. Well, now, sir, over a period of time, I take it you send in to the union hall a very substantial amount of money in check or cash? A. Yes, sir.

Q. Hundreds of dollars? A. I would say so.

Q. Have you ever attended a meeting in which an accounting of these funds was made? A. With my being out of town, I would venture to say I don't get to one meeting a year.

Q. Sir, my question was have you ever attended a meeting at which an accounting for these funds was made? A. No, sir, I don't guess I have, that I can remember.

Q. All right, sir. Have you ever received a notice of a meeting from the Union, or from anybody else, at which the affairs of this Fund, or the handling of this money was to be discussed? A. If there was one, I don't remember.

Q. Well, is it your answer you have not received such [765] a notice? A. No, sir. It is I don't remember.

Q. Have you ever been told what use or what purpose is made of these funds that you have sent in over a period of years? A. Well, I do know that over the radio I have heard where we have contributed to those telethons, and that substantial amounts—

Q. Sir, is it your testimony in front of this jury, His Honor the Court, that these boys down at Cape Girardeau voluntarily pay \$10.00 each week into this Fund? A. Yes, sir.

Q. Is it your testimony that those are voluntary payments? A. Yes, sir, it is.

Q. Is it your testimony that their generosity, or that their desire to contribute exceeds the desire to contribute of the 562 people four times? Are you telling this Court and jury, to that extent?

Mr. Randall: I am going to object to that question as argumentative.

The Court: I will sustain the objection. I think it is argumentative.

Q. (By Mr. Riddle) Sir, had any of the people down at Cape Girardeau contributed more on any given day than \$2.00, [766] or more on any given week than \$10.00? A. You mean on my job?

Q. Yes. A. No, sir.

Q. Has any one of them contributed a penny less than \$2.00 a day, or \$10.00 a week? A. Yes, some of them have.

Q. Less than that? A. Less than \$2.00 a day; yes.

Q. People from Cape Girardeau? A. Yes.

Q. Who? A. I couldn't remember. You look at my sheets. You have my sheets, I believe, and they will show them.

Q. You mean some of the Cape boys don't pay \$2.00 a day? A. If they don't work. If they only worked a half day, they only paid a dollar.

Q. I am saying for every day that they work eight hours, have any of them ever paid a penny less than \$2.00 a day? A. No.

Q. Sir, you just answered my question by saying that I had your sheets here. A. Um hmm.

Q. How did you know I had your sheets here? [767] A. I just imagined that you had them here.

Q. What sheets are you talking about? A. I would imagine that those sheets I was talking about was the sheets that we turn in every day.

Q. Have you talked to previous witnesses before you come in here today? A. No, sir.

Q. Have you talked to any other foreman? A. No, sir.

Q. Today? A. No, sir.

Q. My question is, sir, what made you think that I had your sheets here? A. Well, if I remember right, it was in the paper about two or three weeks ago where they had confiscated all the Voluntary Fund sheets, and everything else.

Q. I see. So you assume from that—— A. So I assumed from that that you had them all.

Q. All right, sir. Have you handed in all the sheets that you prepared, to the union hall? A. Yes, sir.

Q. Do you mail it in, or take it in? A. No, sir, I take it in almost all the time.

Q. You just take it by? [768] A. Yes, sir.

Q. I just have one other question. On occasions have you gone by the union hall down at Cape Girardeau to pick up some payments? A. Yes, sir.

Q. What kind of payments would you pick up there? A. They were in an envelope. I just took the envelope in to the hall.

Q. How would you know what was in the envelope? A. I was told that they were assessments—or contributions, rather, to the—

Q. Sir, do you get the term “assessments” and “contributions” confused now and then? A. Yes, sir, sometimes I do.

Q. These look a great deal like assessments, don't they? A. No, sir. They look more like contributions. That is what the card says.

Q. Is there any difference between these assessments into this Fund and the assessments that you are charged normally by the Union? Is there any difference between this assessment into the Fund and the assessment that goes in to the Union? A. This isn't an assessment. This is a contribution.

Q. Why were you referring to it as an assessment a minute ago? [769] A. I would say a slip of the tongue.

Q. Isn't it a fact that the word “assessment” is used to describe this Fund out on the job all the time? A. Contributions were supposed to be.

Q. Sir, has anyone told you to be careful not to call these assessments? A. No, sir.

Q. Do you, on other occasions, get confused and refer to them as assessments rather than contributions? A. I would say that sometimes I might make that statement and be wrong in doing so.

Q. Sometimes you make that statement to the fellows on the job that you are collecting from, don't you? A. I wouldn't say so. Years ago I used to call them that, not knowing that I was right or wrong.

Q. Years ago you used to call them assessments? A. I did; yes, sir. And I found out I was wrong.

Q. Who told you you were wrong about that? A. Everybody.

Q. By everybody, you mean who? A. I couldn't—We are talking about a long time ago, and I cannot say I remember any specific names or anybody telling me that.

Q. You say a long time ago. Were the collections the [770] same and they were collected in the same manner? What you called then as assessments? A. I did, years ago; yes.

Q. And you were told to start calling them voluntary contributions in January of 19 and 63 when the cards were first signed, and that is when you first heard of a voluntary contribution? Do you remember that occasion when you first signed a card? A. I remember a long time ago. I couldn't say what date it was or what year. It's been a long time ago though.

Q. You were told at that time to start calling them voluntary contributions? A. I couldn't honestly say yes or no to that.

Mr. Riddle: I see. I have nothing further.

The Court: We will have our afternoon recess. Bear in mind the admonition I have given you heretofore.

(Following a brief recess, the further following proceedings were had before the jury:)

(Thereupon Defendant Union Local 562's Exhibit E was marked by the reporter for the purpose of identification.)

### **Cross-Examination.**

By Mr. Daly:

Q. Mr. Seeck, I will show you what's been marked as Union Local 562's Exhibit E, and ask you to look at that, sir. [771] A. Yes, sir.

Q. Could you tell the Court and jury what that is? A. That's the Vountary Contribution Card that I signed.

Q. Is that your signature on the bottom? A. Yes, sir.

Q. When did you sign that? A. January 11, 1963.

Q. Now, you testified in direct examination of Mr. Riddle that this one particular job started off with perhaps four or five men. Do you recall that, sir? A. That was the KFVS job?

Q. Yes. And then maybe it peaked out at ten or twelve? A. No. I said that is how many men I have had since I have been down there; not on just the one job; on all the jobs I was running. At the peak it was ten to thirteen, fourteen men. I'd have to check the time book to see how many there was.

Q. Are you saying on this one job then that it peaked out at about ten or thirteen men? A. No. I'd say it peaked out at about eight men.

Q. Then the other men that came, other than the four or five that you started out with, would they come in one at a time as the work progressed, or would they come in as a group? A. One at a time, or maybe two at a time, depending on how I needed them.

[772] Q. When they came in, would you give them one of these Voluntary Cards? A. I gave them one of those cards when they filled out their state and federal income tax cards.

Q. Would you ask them to sign the cards? A. Yes, sir.

Q. Did you ever tell them that they had to sign the cards? A. No, sir, I did not.

Q. Did you ever tell them that if they did not sign the card that you weren't going to put them to work that morning? A. No, sir.

Q. You then collected bi-weekly; is that correct? A. That's right.

Q. And you took that money in to St. Louis yourself then? A. That's right.

Q. And along with the money, I believe you said there were some collection sheets; is that right? A. That's right.

Q. Are you familiar with the setup at the union hall here in St. Louis? A. No, sir, I'm not.

Q. Is this where you would take the money? [773] A. I would take them in there in an envelope and leave them. How they processed them, I mean that is none of my business.

Q. Would you take them to the Voluntary office here in St. Louis? A. Yes.

Q. You would just leave them there with your name on them? A. As a rule, I would give them to Eddy Beck when I come in.

Q. Who was Mr. Beck? A. He was working in the office there.

Q. In the Voluntary Fund Office? A. Yes.

Q. I see. Now, you indicated there was one time that there was a contribution to a Girl Scout group that you know of? A. Yes, sir.

Q. Did this Fund make any contribution to the hospital down at Cape Girardeau that you know of? A. Not that I know of. I mean I don't—it could have, I mean, but I don't know of any.

Q. I see. Now, when you signed this Voluntary Card, did you contribute to the Fund after that? A. Yes, sir.

[774] Q. How long have you been contributing to this Fund, Mr. Seeck? A. As long as it's been in effect.

Q. Could you give us an approximate idea how long that might be? A. No, sir, I honestly couldn't. It's been several years that we have had our fund, but I couldn't give you dates.

Q. Did you contribute to the Fund prior to the time that you worked as either foreman or general foreman? A. I have been a foreman or general foreman for twenty years.

Q. Did anyone tell you you had to contribute to the Fund? A. No, sir.

Q. Did Mr. Callahan, or Mr. Lawler, or Mr. Seaton ever tell you? A. No, sir. I'm too Dutch to be told to do anything.

Q. Did anyone tell you that you should tell these men working under you that they had to contribute to the Fund? A. No, sir.

**Cross-Examination.**

By Mr. Randall:

Q. Sir, what is your politics? Are you Republican or a Democrat? [775] A. I am neither. I vote for the man I believe is the best one.

Q. Independent then? A. That's right.

Q. Did you attend any of the political meetings that were held at the Electrician's hall? A. One or two, but being out of town, I couldn't get in to a lot of them, but I did attend one or two of them.

Q. Were any candidates present at any of those meetings? A. They were, but who they were, I couldn't tell you any more. I mean that's been a good while ago.

Q. They were candidates there, but you don't recall? A. Yes.

Q. Did you get a notice of those political meetings? A. Yes.

Q. Did you receive notices of other political meetings that you were unable to attend because of your absence from the City? A. Well, a lot of stuff comes in to the house, and my wife knows I can't go. She just throws them out. A lot of things just get thrown in the waste can because she knows I can't attend them.

Q. Where is your home? A. In Affton.

[776] Q. It is over in Affton. Did you ever refuse to employ anyone because of his giving or failing to give to the Political Fund, the Voluntary Fund? A. No, sir.

Q. Did anyone ever tell you to do that? A. No, sir.

Mr. Randall: That's all, Your Honor.

The Court: Anybody else?

Mr. London: No, Your Honor.

**Redirect Examination.**

By Mr. Riddle:

Q. Sir, do you employ these people yourself, or do you call the union hall and they send them out to you, or just— A. No. I call the hall when I need men, qualified men.

Q. Do you take the people that they send you? A. Yes, sir.

Q. So you really don't have anything to do with selecting the crews that work under you? A. Yes, sir, sometimes I do. If I hear of a job that is coming down, and there's some good men on that, I call about—I call and ask if I can have those men.

Q. And if they say you can, you get them? A. Yes.

Q. If they say you can't, you don't get them? [777] A. They may have someplace else that needs them more than I do. Certain men are qualified in different phases of our work.

Q. Now, when there are layoffs, who makes the decision as to what person is laid off? A. Well, as a rule, I'll call and tell them I am going to have a layoff, and ask if there is any special men that they need in a certain job someplace. And if they need those men, I'll lay them off. Otherwise I will lay off whoever that I see that I can do without best because of the qualifications of the men.

Q. All right. But frequently and often they will tell you which men to lay off, or which men to transfer? A. Frequently, yes.

Q. You say that you brought these funds and this check list—what do you call that? A check list? A. What is that?

Q. The form that you hand in with your money? A. I call it a contribution sheet. I have never called it anything.

Q. You hand that in to the office? A. That's correct.

Q. Who are you handing it in to now? The last time that you were there? A. Well, the last four or five times it has been taken [778] in, my wife took it in for me.

Q. Do you know who she handed it in to? A. No. I'd have to ask her, but it just so happened I couldn't get in, so she gave—I gave it to her, and she took it in on Monday morning.

Q. Did you put your own contribution in with the others? A. Yes, I did.

Q. And your contribution, I am talking about yours now, not the others. A. Yes.

Q. Your contribution is always at the rate fixed for regular members of 562? A. 562; that's correct.

Q. Have you ever contributed yourself more than 50 cents? A. You mean for an 8-hour period?

Q. Yes, since 50 cents has been the rate? A. Right.

Q. You have not, or you have contributed? A. No.

Q. All right. When the rate was a dollar a day, did you ever contribute anything more than that? A. No.

Q. Anything less than that? A. No.

[779] Q. Was 50 cents a day—Did you ever contribute anything less than 50 cents? A. Not unless I worked less than eight hours.

Q. Yes. Now, on occasions you testified that you turned in your money and your sheets to—or your sheet, to Eddy Beck? A. That's correct.

Q. Who else have you handed this money in to down there at the hall? A. That's been about the only one that I can say I handed it in to. It was always in an envelope marked for him. It was in a sealed envelope marked Eddy Beck Voluntary Fund.

Q. If he wasn't there, who did you give it to? A. I can't say that I remember him not being there.

Q. Do you know Beans Burke? A. Yes.

Q. Have you ever given him this envelope? A. No, I can't say that I have.

Q. Mr. Steska? A. Once or twice I gave it to Ed to hand to Ed, because it might have been——

The Court: Do you want to straighten that out? Do you want to start over?

The Witness: Well, I am just trying to remember. I [780] mean this is something that——

The Court: Well, you said Ed to Ed. That is the point I am making.

The Witness: Oh. Ed.

Q. (By Mr. Riddle) Ed Steska? A. Eddy. I said sometimes, once or twice, I may have given it to Ed, Ed Steska, when Eddy Beck was maybe in the men's room, or something, and I had to leave.

Q. I see. Sir, you were asked to identify the contribution card that you signed on January 11, 1963. Sir, does that refresh your recollection as to when you started calling this a Voluntary Fund rather than an assessment? Is that about the time? A. No, sir. I can honestly say that it doesn't. If I said yes or no, I'd be lying either way, because I don't remember.

Q. I see. Well, prior to the time that you signed this card, this Voluntary Political Fund card, did you refer to

this same payment as an assessment? A. Years ago, I did; yes.

Q. The same money collected the same way? A. Yes. I mean whether it was right or wrong, I don't know, but that is what I have referred to it as.

Q. It is your recollection that since January 11th of '63 you referred the same collections—— [781] A. I can't specifically say that that is the date. No; I can't do that.

Q. All right. All right, sir. Sir, what would be the occasion for you going by the local hall down at Cape Girardeau to pick up money? A. Well, R. G. and I are very good friends. We keep our—we used to keep our ponies at the same stable. We are just real good friends. I go a lot of times just to talk to him.

Q. And pick up monies while you are there? A. Yes, that's right, and maybe once a week, or maybe once a month, or once in three months.

Q. Would this be money collected by him off of another job? A. He had nothing to do with collecting any money off my job.

Q. This money that you picked up at the local hall down at Cape, where did it come from? A. I have no idea. I don't know. It is in a sealed envelope. I took the envelope in. Where it came from, I don't know.

Q. Sir, could we limit it to this extent? Would it have been money from off of one of your jobs? A. No, sir. It was not anything from my job.

Q. It would be from another job down in that area? [782] A. I guess so. I don't know.

Q. All right, sir. Whatever money that you collected down there at the hall, or picked up there at the hall, I take it that you turned it in to the hall here in St. Louis? A. Yes, I did right along with the envelope, same as mine.

Q. Sir, did you ever give any of the people down at Cape a receipt for the money that you collected from them? A. No, sir.

Q. Anybody ever ask you for a receipt? A. No, sir.

Mr. Riddle: I have nothing further.

**Recross Examination.**

By Mr. Randall:

Q. Sir, you referred to R. G. Who is R. G.? A. R. G. Davis.

Q. Who is he? A. He is business agent for Local 318.

Mr. Randall: That is all.

Mr. London: Nothing else.

The Court: Anything further?

Mr. Riddle: Nothing further, Your Honor.

The Court: All right. Step down. Call your next witness.

(Witness excused.)

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[783]

**MRS. CHESTER SARFF,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Ma'am, would you state your full name for the Court and jury please? A. Mrs. Chester Sarff.

Q. How do you spell your last name? A. S-a-r-f-f.

Q. Do you live in Cape Girardeau? A. Yes, sir.

Q. And for whom are you employed? A. Local 318, Plumbers and Steamfitters.

Q. How long have you been employed there? A. Five years.

Q. What are your duties, ma'am? A. Secretary, and do some bookkeeping.

Q. All right. Are you acquainted with the men or members of your local there in Cape? A. Yes, sir.

Q. Ma'am, in connection with your position there with Local 318, have you had occasion to receive envelopes with money in it from members of your Local 318? That is money that you understood was to be handed over to 562? [784] A. Well, I think that would be mostly members of 562; some of ours too.

Q. Ma'am? A. Some of ours too, a few who worked on St. Louis jobs.

Q. Who have done what, ma'am? A. Who worked on St. Louis jobs in Cape Girardeau.

Q. All right. By that, do you mean that—on occasion some of your members who work on jobs that are under 562's jurisdiction in Cape Girardeau? A. Yes, sir.

Q. Leave money with you in your office? A. Yes, sir.

Q. All right. What is the most recent time or occasion when such money as that was left with you? A. It was during the last month.

Q. During the last month, do you remember the name of the people or your members who left money with you? A. I think Kenneth Ellison, and I think Bill Harshaw.

Q. All right. Had any of those gentlemen left money with you before like this? A. Kenneth Ellison had.

Q. Do you know what job he was working on? A. No.

Q. All right. Ma'am, when he left the money with you, [785] did he give you any instructions as to what to do with it?

Mr. Daly: I object to this as being hearsay, Your Honor.

The Court: What the instructions might be. The question whether or not he did give her instructions is not hearsay. Don't say what he told you. Just did he tell you what to do with the money?

The Witness: He asked me——

The Court: No. Just say did he tell you what to do. Answer yes or no.

The Witness: Yes.

Q. (By Mr. Riddle) All right. And what did you do with the money? A. Well, it varies. I either mail it to St. Louis in an envelope, or hand it to the man that was here just before me.

Q. Did you ever hand any of this money to Mr. Ed Steska? A. Yes.

Q. Do you know who Mr. Steska is? A. Yes.

Q. Who is he? A. He is a representative of 562. I don't know his title.

Q. All right. Have you handed money to him, money of this nature that you have just described, on a number of [786] occasions? A. Several.

Q. This time that you gave it to him, did you make any explanation as to what it was? A. No.

Q. You say this money is in an envelope. Does it have a label on it, or is it addressed to someone? A. I would put his name on there.

Q. You would put the name of—— A. Mr. Steska's name on there, and then inside the envelope there would be a slip with, you know, each amount of money for whoever turned it in.

Q. All right. Well, ma'am, are you testifying that on occasion there would be more than one of your members leave money and you'd put it all together in one envelope, and then mail it in? A. Yes, sir.

Q. Ma'am, can you tell the Court and jury what the dues are for members of 318? A. Yes, sir.

Q. What are they? A. Their monthly dues are \$6.25 per month. We have a death benefit of \$5.00 a year on each member, and we have a working assessment of \$1.00 per day.

[787] Q. You have a work assessment of \$1.00 per day? A. Yes.

Q. Monthly dues of \$6.25? A. Yes.

Q. And each year they pay \$5.00? A. Five dollars into a death benefit fund.

Q. Any other dues or assessments that your members pay to your office? A. Only when a member dies, then they are assessed about \$7.00 per member for the death.

Q. Yes, ma'am. Ma'am, on occasions do your members gather or congregate around your hall and converse and talk? A. Yes.

Q. Ma'am, are you familiar with the term "doby"? A. Yes.

Q. Tell the Court and jury what a doby is? A. It is this working assessment that is paid for each day that they work, and that is a nickname. It is doby.

Q. Each day that they work on what kind of a job? A. Well, if they are a member and they are working, each day they work they pay \$1.00.

Q. All right. What about the doby they pay each day they work on a 562 job? Do you know what that is?

Mr. London: I object to the form of the question. [788] There has been no testimony from this witness that she has any knowledge of that.

Mr. Randall: Vague and uncertain.

The Court: Well, I'll sustain the objection. You can go around it another way.

Q. (By Mr. Riddle) Ma'am, do you know what your members pay per day when they are working on a 562 job around Cape Girardeau?

Mr. London: I will object to that, Your Honor; calling for hearsay on the part of this witness.

Mr. Riddle: I will ask her if she knows.

The Court: The objection will be overruled.

Mr. Riddle: You may answer.

The Witness: Well, there is nothing to go by. I just take what they hand me, and I put it in the envelope, and I send it either to St. Louis, or it is picked up.

Q. What do you put in the envelope besides the money? Is there anything else? A. Slip of paper with the name and how much money each man gave me.

Q. All right. Now, ma'am, when you receive this, can you tell how much they are paying per hour, or per day, or per week? A. They don't tell me.

[789] Q. Can you tell by looking at the amount, plus the other figures that are in the envelope or that are handed to you? A. Well, they usually just give me the money they want me to hand on, and have asked me to do that, and I pass it on. I don't keep any record of it.

Q. All right. Well, ma'am, let me ask you this question then, and answer it if you can. Are you acquainted with the fact that members of Cape Girardeau Local 318 pay money for working on a St. Louis controlled job in addition to your dues and assessments?

Mr. Randall: Your Honor, I object to it as being leading and suggestive.

The Court: Well, it is leading and suggestive. I will sustain it for that reason.

Q. (By Mr. Riddle) All right. Ma'am, do you know whether or not your members who work on a St. Louis controlled job in Cape Girardeau, pay an amount each day or each week that they work on a St. Louis controlled job? Do you know that?

Mr. London: Same objection, Your Honor.

The Court: Be overruled.

The Witness: Do you want me to answer that?

Mr. Riddle: Yes.

A. Well, it is money for St. Louis that they bring to me. [790] Q. (By Mr. Riddle) All right. Now, then the question is do you know how much it is per day? A. It is not paid to me that way. It is paid to me in a sum of money. Each man gives me a sum of money.

Q. All right. Now, the amount of money that is handed to you, do you know whether or not this is referred to by your members as a doby? A. All they have ever told me, it is St. Louis money, and I should hand it or give it to them, if I would. I do it as a favor to them. They can't get it up there theirself.

Q. All right. Now, you mentioned a few minutes ago that you are familiar with the term "doby"? A. Yes, sir.

Q. How have you heard that term used by your members down there at the hall? A. That is their nickname for their assessment of a dollar a day. They call it their doby.

Q. Has this been used ever since by your members, ever since you have been down there in the office? A. Yes. It was voted in before I came there.

Q. I know, but is the assessment known as a doby? A. Yes, sir.

Q. By your members? A. Yes.

[791] Q. You heard it the first day or week that you worked there? A. Yes.

Q. And you have heard it almost daily and weekly ever since? A. Yes. Its used.

Q. Yes. Well, ma'am, with reference to the dues that you collect from your members, how do you receive that money when they are working on a St. Louis controlled job? A. Their monthly dues?

Q. Yes. A. Well, they pay that monthly dues every month up until June, each man paid his own dues, and since that time they are deducted by their employer and paid to me.

Q. Paid directly to you? A. Yes, sir. About once a month. I think it comes in that way.

Q. Well, ma'am, are you familiar with a card that's been referred to during the course of this trial as a Voluntary Contribution Agreement? A. You mean for our local?

Q. No. For any local? A. We don't have any.

Q. Well, let me show you a copy of what I am speaking [792] of, and see if that is a familiar card or document to you? A. I think I have seen those. I don't have any.

Q. All right. A. I think I have seen them.

Q. Have you seen any around your office? A. Mr. Davis might have some. I don't have any.

Q. You don't keep them in your normal—— A. I know I don't have them in my supplies; no, sir.

Q. Have you seen them in Mr. Davis' possession? A. I think so.

Q. Do you know what use he makes of them? A. No.

Q. All right. Have you ever seen any of your members sign such a card in your office, or in your hall? A. No, I have not.

Q. Ma'am, are you familiar with a vehicle or an instrument known as a travel card? A. Yes.

Q. How is it used by you in your local? A. We don't have—we don't use it very much. If a member would like to travel into another local and work there, and his dues and assessments are paid, we can issue him a travel card.

Q. Do you issue travel cards when your members work on [793] a St. Louis controlled job? A. No.

Q. What about a job out of Memphis, or Louisville, or Nashville, Murphysboro? A. Yes. If they want to work in those locals, they have a travel card. We issue those.

Q. All right. Now, procedurally, how is the travel card handled? Do you, yourself, write it out and give it to your members? A. I do. If Mr. Davis tells me that it is all right to issue a travel card to the member, then I do.

Q. After you issue it to one of your members, what do you next hear from that card? A. Its made in two parts, and it is perforated. They tear off the one part, and it comes back to our office.

Q. When you say somebody tears something off, who tears it off? A. It should be the business manager, or possibly his secretary in the union that they drop the card in.

Q. Suppose one of your members went to Memphis, Tennessee, to work, and he presented this card to their business manager. He would tear off the one part and send it back to you? A. It comes back; yes, sir.

Q. And this would let you know that your man is working [794] down there with a travel card? A. Yes.

Mr. Riddle: I have nothing further of this witness.

### **Cross-Examination.**

By Mr. London:

Q. Mrs. Sarff, you indicated to Mr. Riddle that on occasion some of your members have given you money to be turned in to 562; is that correct? A. Yes, sir, that's right.

Q. Would this be on occasions after they have been working on a 562 job that has been shut down, or after they had been laid off, or something of that nature, they were no longer connected with the 562 job? A. They don't tell me. They just haven't been able to take this money in. They ask me to forward it.

Q. Do you make any effort to collect this money from them? A. I do not.

Q. Do you go to them and ask them for this money? A. I do not.

Q. Do you go to them and tell them that they owe this money? A. No.

Q. Do you go to them and tell them in any way, shape [795] or form that they must pay this money? A. No, sir.

Q. Do these men come in to you voluntarily and give the money and ask that it be sent on to St. Louis? A. They do.

The Court: Is that all? Anybody else?

### **Cross-Examination.**

By Mr. Randall:

Q. Mrs. Sarff, since this money has been given to you, not only by members of Local 318, but also by members of Local 562, is that correct? A. Yes, sir.

Q. Did Mr. Davis ever give you any money? A. From whom?

Q. To send up to 562? A. Well, if he did, it would be money that was handed to him from these same people that he saw maybe out on the job, or somewhere like that.

Q. Well, hasn't Mr. Davis also worked on 562 jobs? A. Well, he doesn't work on jobs.

Q. Not since you have been there, he hasn't worked on jobs? A. No, sir.

Q. I see. He has never gone out and worked on jobs. [796] How long have you been there? A. Five years August 12th, this year.

Q. Well, during this period of time, the five years, has he ever acted as a steward for Local 562 on some of their jobs? A. No, sir.

Q. He has not. That's all.

The Court: Anybody else?

Mr. Nangle: No questions.

Mr. Daly: No, Your Honor.

Mr. Riddle: I don't believe we have anything else.

The Court: All right. Thank you. Step down. Call your next witness.

(Witness excused.)

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**JIMMY G. HENDRICKSON,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, would you state your full name? A. Jimmy G. Hendrickson. Gleason Hendrickson.

Q. Are you presently living in Kansas City, Missouri? A. Yes, sir.

Q. What is your occupation? [797] A. At the present, I am with Panhandle Eastern Pipe Line Company.

Q. And what job are you working now? A. Well, we have three compressor stations that we are building. One is at Olpe, Kansas; the other one is at Lotisburg, Kansas; and then at Houstonia, Missouri.

Q. Houstonia. Sir, are you a member of a local pipefitters union? A. Yes.

Q. And what local do you belong to, and what is its number? A. Local Union No. 798.

Q. In Tulsa, Oklahoma? A. Tulsa, Oklahoma; yes.

Q. How long have you been a member of that union? A. I first joined as an apprentice in 1957.

Q. Approximately how long did you stay as an apprentice? A. Approximately four and a half years.

Q. So about 1961 or 2, you became a journeyman; is that what you call it? A. Yes.

Q. Sir, have you had occasion to work on a job under the control or jurisdiction of Local 562 in St. Louis, the Pipefitters Union? [798] A. Yes.

Q. More than one job, or just one job? A. One job.

Q. Where was that job, sir? A. At Centralia, Missouri.

Q. Do you recall the date? A. From July '67 to November '67.

Q. All right. Sir, had you worked on jobs before, other than 798? That is, when you traveled around over the country? A. Yes, sir.

Q. Are you familiar with the travel card provision that's in the United Constitution? A. Yes, sir.

Q. What other jobs have you worked on outside of 798 jobs and St. Louis 562 jobs in Centralia? A. There is the Kansas City local. I don't remember the numbers of these locals.

Q. All right. A. The Springfield, Illinois, local; the Columbia, Missouri, local; and Des Moines, Iowa.

Q. All right, sir. On each of those jobs, did you obtain a travel card? A. Yes, sir.

Q. And is the rate you pay on a travel card for working [799] out of another local's job, \$8.00 per month? A. Yes.

Q. That's fixed by the United— A. Association; yes, sir.

Q. Now, on these other jobs, have you paid anything else to the local union, that is, the local union at Kansas City, Springfield, Columbia, Des Moines, other than the \$8.00? A. Well, there's a dollar per month, and I'm not sure what that's for. It is something to do with the United Association. It is a building trades—well, I am just not sure what it is for, but there is a dollar per month, but as I understand it, this is for all members.

Q. All right. It is a dollar per month in addition to the \$8.00 travel card? A. Yes.

Q. In all of those other locals, have you ever paid anything more than the \$8.00 travel card and the \$1.00? A. No, sir.

Q. Sir, how are you assigned to the job at Centralia? Just how did you get there? A. You mean who hired me?

Q. Yes. A. The contractor hired me.

Q. Well, but what union, or who sent you up there, or [800] how did you get employed? A. Well, I happen to know the superintendent that was on the job, and I called him, and he hired me after checking with the Union 562.

Q. All right. Who was the superintendent? What was his name? A. Joe Burns.

Q. Joe Burns? A. Yes.

Q. All right. He was the superintendent on the job? A. Right. He was the superintendent of the contractor, which was Hux-Bohannon Construction Company.

Q. Was Joe Burns a member of 562? A. No, sir. He was from Kansas City.

Q. All right. To your knowledge, did he check with the union here, 562, for clearance for you to work? A. As far as I know. Now, this is what I was told; yes.

Q. All right. Sir, who was the first—strike that. At the time that you talked to Mr. Joe Burns, the foreman,— A. Superintendent.

Q. —superintendent, was anything said to you about any Voluntary Fund or contribution?

Mr. Daly: I am going to object to that, Your Honor, as being hearsay.

[801] The Court: I will sustain it as to that.

Q. (By Mr. Riddle) All right, sir. Well, sir, when did you first hear about a voluntarily contribution card or arrangements, if you ever heard about one? A. When it first came in existence. When that was, '63, '64, I'm not sure when it first—maybe '65. I'm not sure.

Q. Well, when was the first called to your attention when you went to the job at Centralia? A. About a week after I arrived and started to work.

Q. All right. And did someone talk to you about it? A. Yes. Mr. Robert Johnson.

Q. Mr. Robert Johnson. And who is Mr. Robert Johnson? A. He was the pipefitting foreman on this job.

Q. Was he the steward? A. Yes.

Q. The steward from the union came and talked to you? A. Yes, sir.

Q. What did he say to you?

Mr. Daly: I am going to object to this, Your Honor, as being hearsay.

Mr. Riddle: If it please the Court, this is the steward of the union. I believe the evidence is abundant stewards speak for the union out on the job.

[802] The Court: All right. The objection will be overruled.

The Witness: Well, he presented this card to me and showed it to me, and, of course, I knew about it, and so I signed the card. He explained to me though that it was a voluntary contribution. He said that I did not have to pay it if I didn't want to. He stressed that everybody else there was paying it, so the reason that I went ahead and signed it was that since the other members of the job, the pipefitters, the welders were paying it, I decided to go ahead and pay it myself.

Q. Did you want to pay the amount? A. Did I want to?

Q. Yes. Put it this way. Would you have preferred not to have had to pay it? A. Yes, I would have preferred not to have paid it.

Q. Why then did you go ahead and pay it? A. Because, as a courtesy, I was a guest of this union. I was working in their jurisdiction, and as a courtesy to them I went ahead and paid it.

Q. All right, sir. Now, sir, did you make cash payments to this steward? A. Yes, sir.

Q. Throughout the period of time you worked there? A. Yes, sir.

[803] Q. How much did you pay per day? A. Per day?

Q. Yes. I paid 25 cents per hour for the first eight hours. Then overtime, for every hour after eight hours, I paid 50 cents.

Q. All right. Do you recall about what it came to per week that you paid? A. Well, we were working on a 50-hour week, so this would have been approximately \$15.00.

Q. Each week? A. Each week; yes, sir.

Q. That you were there. Sir, in addition to this \$15.00 per week that you were paying, were you paying dues and assessments back to your local in Tulsa, 798? A. Yes, sir. I have a \$10.00 per month stamp which we pay.

Q. You were paying that \$10.00 in addition to your—that is \$10.00— A. Per month.

Q. Per month. And did you pay anything else to your local union back in Tulsa besides the \$10.00 a month? A. No, sir.

Q. No assessments? A. Well, this is an assessment. This \$10.00 a month is [804] the stamp assessment. Part of this goes to the local, and part to the United Association.

Q. I see. Sir, did anybody, well, specifically, did the steward, Mr. Robert Johnson, tell you what purpose your money would be used for? A. Well, not really. No. I assumed myself what it was used for, well, the same as they use the COPE for, for political funds.

Q. Now, sir, were you asked about how long you wanted to contribute? How long you wanted to pay in? A. No, sir.

Q. Did you pay for as long as you worked? A. Yes.

Q. Sir, while you were working on this job, do you know whether or not there were people working on that particular project who were members of 562? A. No, sir.

Q. You don't know that. You don't know. A. Would you repeat the question.

Q. You were working on this Centralia job, and you were an out-of-towner, or a foreign member. Do you know whether or not there was any 562 people working on this job? A. Not to my knowledge, there was not.

Q. They were all non-562 members? [805] A. Yes, sir, this is right.

Q. Do you know whether they all paid this \$10.00, or the same amount you paid? A. Well, I didn't see—every week I didn't see all the members give the steward the contribution, but during a period of time of the job, I did see them all give him some money; yes.

Q. All right, sir. Did you ever get a receipt for any of the money you paid them? A. No, sir.

Q. Did you ever ask for one? A. No, sir:

Q. Why didn't you ask for one? A. Well, it was a contribution to a political fund, so it was, I couldn't use it for any reason. It was—I couldn't use it for income tax purposes, so there wasn't really any reason to have one.

Q. All right, Sir, let me ask you this. Did you feel any pressure to contribute to this in order to get the job, or stay on the job? A. No, sir. There was no pressure. In fact, the only one that ever talked to me was the first day, or a week, or thereabouts when the steward, Mr. Johnson, came by and gave me the card to sign.

[806] Q. Sir, you testified that you would have preferred not have paid any money in? A. That's right.

Q. I'd like you to tell the Court and jury why you continued to pay then, even though you didn't want to? A. Well, as I said—I think you asked this just a few minutes ago—that why did I? Well, this is like being a guest in your home, or anybody else's home or being in a different territory. That as a guest, and all the members on this job were guests of 562, that they paid this, and so consequently I went ahead and paid it too. I might add that I said that I had never worked in a 562 jurisdiction before, and this is true I have never worked under their jurisdiction, but in 1966 I worked for a contractor out of Oklahoma, and we were laying loop lines. This is where we leapfrog along the pipe line, and we started at Wartensburg, Missouri, and we went in to Columbia, Missouri. After we started at Warrensburg, we went to Columbia, Missouri. Well, this is supposedly 562's jurisdiction, and so most of the members were out-of-towners. They got together and they said that they wasn't going to pay this political fund. Well, we told the steward this. The steward was a member of the Kansas City local, and the morning that we arrived at Columbia, Missouri, he went in to the contractor's office and made a phone call.

What he [807] said, if we was going to have to pay it that we wasn't going to stay on the job. Well, we went in. When the steward came back he said that he had called somebody in St. Louis. I don't know who this somebody was, but he did say, and this somebody said just to forget it, that we wouldn't have to pay into this political fund. And so this was the one time that I know of that they said, well, it was only voluntary; that we could; if we didn't want to pay into it, why then we didn't have to.

Q. But the steward on the job made a call in to St. Louis? A. St. Louis; yes, sir.

Q. To get clearance so that he could exempt you on that job?

Mr. London: Objection to the form of that question, Your Honor. That is assuming something that he didn't testify to.

The Court: Be sustained.

Q. (By Mr. Riddle) Pardon me, sir?

The Witness: Yes, sir.

Mr. London: May I ask that that be stricken. I understood that the objection was sustained.

The Court: I sustained the objection.

Mr. London: I ask that the answer be stricken.

[808] The Court: The answer will be stricken.

Q. (By Mr. Riddle) How long did you work on that job without paying into the Fund at Columbia? A. We never paid into the Fund.

Q. How long did you work on it? A. How long on the job?

Q. Yes, on that one. A. Well, then it was into Oklahoma. We finished at Columbia, then we went to Louisiana, Mis-

souri, and crossed into Illinois. We was in a different local. I don't remember what local that was, but then after we finished at Louisiana, Missouri, then we went to Springfield, Illinois.

Q. All right. How long were you working on that job under 562's jurisdiction? A. We wasn't working under 562's jurisdiction.

Q. I am talking at the time when you didn't pay? A. We wasn't working under—the whole time we worked under the Kansas City local's jurisdiction. In other words, now, Kansas City has a jurisdiction all the way through. Now, how this was done, I do not know.

Q. Well, sir, let me get this clarified as best I can. Where were you when this event occurred when several of you said that you would not pay into the Fund? A. At Warrensburg, Missouri.

[809] Q. At Warrensburg? A. Right.

Q. All right. Now, who did you tell that to? A. I don't remember. It was the steward, and I do not remember his name, but it was a steward from Kansas City.

Q. A steward from Kansas City? A. Right.

Q. All right, sir. Now, then, what fund were you fellows talking about? The St. Louis fund? A. Well, we was going into Columbia, Missouri, which they told us that 562 would have the jurisdiction. Now, there was—so 562 said, well, Kansas City can man this job all the way through to the Mississippi River at Louisiana, Missouri.

Q. Then 562 didn't make any further effort to collect from you fellows? A. No, sir.

Q. How many of you fellows were there together when the collection effort was made? A. There was never a collection effort made.

Q. All right. Just tell the Court and jury what happened. What preceded the decision that none of you would pay?

A. Well, we heard that St. Louis was going to have this jurisdiction. This is what the Kansas City local told us.

Q. All right. And so when we went to Columbia, Missouri; [810] why then 562 was supposed to have sent a man to, I mean a representative of that local, but for some reason he didn't show up that morning. Well, then that is where—the thing was that we was going to tell the representative from 562 that they wasn't going to pay into it, and when he didn't show up, why we told the steward from Kansas City, and, really, his idea was to make the phone call to find out where the representative from 562 local was, why he hadn't showed up that morning. And that is when they found out that Kansas City—that is when the steward found out that Kansas City was going to have the jurisdiction all the way through.

Q. Then St. Louis 562 never had jurisdiction over this job? A. No, sir.

Q. All right. How many of you were together up there that said that you weren't going to pay into the Fund? A. There was approximately ten or twelve; maybe even fifteen. I don't remember.

Q. Was this the first time that you had ever run into this so-called Voluntary Fund in your travels? A. Yes, sir. I hadn't heard about it, but—that isn't the first I had heard about it, but that is the first time I had ever run into it.

Q. Is it pretty widely known all over the country? [811]  
A. Of the Voluntary Fund? Yes, sir.

Q. And the amount that it costs to work on their jobs?  
A. Well, I really didn't know until I went to Centralia, how much it was.

Q. That is the first time you found out how much it was? A. How much that the members were contributing.

Mr. Riddle: I have nothing further of this witness.

The Court: Any questions.

Mr. Randall: Yes. We'd like to request his grand jury testimony, Your Honor.

The Court: All right.

(Mr. Riddle handed document to Mr. Randall.)

The Court: No statement?

Mr. Riddle: Please the Court, we'd like the record to indicate that we have given them the grand jury testimony.

The Court: Yes, the record will show that, and that there is no statement.

(Defense counsel looked at transcript.)

### Cross-Examination

By Mr. Randall:

Q. Mr. Hendrickson, as I understand your testimony, at some point you were moving into the Columbia area and into the jurisdiction of Local 562? A. As we understood our instructions, that when we went [812] to this job, and we are speaking of 1966, this was approximately, oh, July of '66, or, yes, July of '66—I'm—this is when we started the job in Warrensburg, Missouri, and then we finished the small loop—loop lines are where they just run a small, say, from compressor station to compressor station, and then they leapfrog to another point in the pipe line system.

Q. And that you had some conversation concerning the Voluntary Political Fund among yourselves at that time; am I correct in that? A. That is right; yes, sir.

Q. And that a call was made to St. Louis, and you people were advised that it was purely voluntary? A. Yes, sir, this is right.

Q. And so even before you went to the Centralia job, you were aware that contributions were purely voluntary?

A. I was told that at Centralia also.

Q. And on the Centralia job you talked to Mr. Johnson, the steward, who told you that it was purely voluntary?

A. Yes, sir.

Q. But because the other people were paying into it, you thought that you ought to do it also? A. Yes, sir.

Q. Because of the fact that you felt that you were a [813] guest among these other people; is that correct? A. I was a guest of 562.

Q. And you thought you ought to pay simply because the others were doing so? A. Yes, sir.

Q. Now, you said that you understood that the purpose of this Voluntary Fund was the same as that of COPE. Do you remember making that statement? A. Yes, sir, I do.

Q. Now, would you tell us what COPE is, sir? A. COPE is a fund that is usually collected by the United Association, in which it is a political fund almost the same as—they use it in the lobbying methods in Washington to help get through labor legislation before Congress.

Q. And do they also use it to help elect people favorable to labor's positions? A. I'm not that familiar with it, but I'm sure they do; yes.

Q. But it is a political fund? A. Yes, sir, it is.

Q. A political fund contributed by members of labor unions? A. Yes, sir.

Q. And it is a voluntary fund? [814] A. Yes.

Q. Have you ever contributed to COPE? A. Yes, sir.

Q. Now, are you familiar with the requirement—Mr. Riddle asked you something about the National Association Constitution—Are you familiar with the requirement of that Constitution that if a travel card is accepted for a

certain period of time by a local, that is, another local, that they must admit him into membership of that local? Are you familiar with that provision? A. As I understand it, it's a year that they have got to hold the—and the travel card for one year in that local, and then the member can be accepted into that local; yes, sir.

Q. He must be transferred into the local after the local holds the travel card for a year, mustn't he? A. I'm not sure. I'm not that familiar, but as I understand it, he can be. If requested, he can be, but I am not sure that it says he must be.

Q. I see. But he can be transferred into the membership, can be transferred from one local to another? A. If it is held for a year; yes, sir.

Q. If it is held for a year. Now, as I understand it, while you were working under the jurisdiction of 562, you were paying your local its \$15.00 a week; is that correct? [815] A. No, sir. I was volunteering to it.

Q. To your own local, I am talking about. What were you paying your own local? A. My own local was, I was paying \$10.00 per month.

Q. \$10.00 per month? A. Yes, sir.

Q. And nothing else? A. No, sir.

Q. And how much were you being paid on this job up at Centralia? A. I don't know.

Q. How much per hour? A. It was either five dollars sixty plus, or five dollars ninety. I think it was five dollars ninety plus. I'm not sure. They have different zones, and this has been a year, and I have forgot how much that I was being paid there.

Q. But it was five dollars ninety plus what? By plus, you mean plus the welfare? A. No. No, this isn't including the fringe benefits.

Q. It does not include the fringe benefits? A. No. I think it was five dollars ninety-three and a half.

Q. And that's for straight time? A. Yes, sir.

[816] Q. And what did you get for overtime? A. Double time.

Q. Double time? A. Yes, sir.

Q. And you were contributing to the Voluntary Fund 25 cents per hour for straight time and 50 cents when you were getting double pay; is that what you said? A. Yes, sir, I said that. That is what I was contributing.

Q. Now, Mr. Hendrickson, did anyone ever tell you that you must contribute to the Voluntary Fund in order to work? A. No, sir.

Q. Did you ever speak to Mr. Callanan, or Mr. Lawler, or Mr. Seaton, these defendants over here, at any time? A. I have never seen them.

Q. Never seen them before? That's all.

The Court: Anybody else?

Mr. Daly: I have one question.

### Cross-Examination.

By Mr. Daly:

Q. Mr. Hendrickson, you indicated that the card was given to you by Mr. Johnson; is that correct? A. Yes, sir.

Q. Do you know whether or not he was a 562 man, or [817] whether he was out of the local at Kansas City? A. No, sir. He's a local—he's a member of the local union in Jefferson City.

Q. Jefferson City. He wasn't a 562 man; is that right? A. He was not.

Q. Were there any 562 men on the job at all? A. No, sir.

Mr. Daly: I have no further questions.

Mr. Randall: I have one question.

**Cross-Examination.**

By Mr. Randall:

Q. What is your politics? Are you a Republican or Democrat? A. I am a rescued Democrat.

The Court: Any redirect?

Mr. Riddle: Yes, Your Honor.

**Redirect Examination.**

By Mr. Riddle:

Q. Sir, do you know how long you would have worked on this job at Centralia if you hadn't contributed? A. No, sir, I don't.

Mr. Randall: Your Honor, I will object to that as calling for speculation.

Mr. Riddle: He's asked on cross-examination about [818] that.

The Court: I think he opened it up. Go ahead.

The Witness: I don't have any idea.

Q. (By Mr. Riddle) You didn't take any gamble with it, did you? A. No, sir. I need to work.

Q. As far as you knew, everybody was paying it, so you paid it? A. Yes, sir.

Q. Sir, when you were asked if you contributed to COPE— A. Yes, sir.

Q. Have you? A. Yes, sir.

Q. How? A. Well, the steward comes by, he has a— sometimes they have a card. Sometimes they just have a list, and if you have \$5.00 or \$10.00 in your pocket, or a dollar, whatever you might have, usually you pull it out and pay it in cash, but that's—

Q. You just pay what you want to? A. Yes, sir.

Q. If it is a dollar, and you feel like paying, you give him a dollar? A. Yes, sir.

Q. If you feel like paying him \$10.00, you give him \$10.00? [819] A. That's right.

Q. Or whatever you want to give? A. Yes, sir.

Q. And this is true from one employee to the other? They pay whatever they want to? A. Yes, sir.

Q. About how many times in the last two or three years have you been asked to make such a contribution as that? A. Several. I don't remember how many times.

Q. Half a dozen? A. Perhaps; yes.

Q. Those COPE collections are not every Monday, are they? A. No, sir.

Q. And they aren't a fixed rate, are they? A. No, sir.

Q. And they never did come to as much as \$15.00 a week, did they? A. No, sir.

Q. What is the most you ever paid to COPE under those conditions? A. \$15.00.

Q. The most? A. \$15.00 at one time.

[820] Q. Into COPE, a contribution? A. Yes.

Q. On other occasions, how much have you paid, just— A. Oh, \$5.00, usually. Once our union was having a drive for COPE, our local, and I paid in \$15.00.

Q. And that \$15.00, how often did you pay that? Once every two or three months or so? A. No.

Q. Once every year? A. Just—I paid—

Q. The one fifteen-dollar contribution? A. I paid—Our union, couple years or so ago, they was having a drive for COPE, and I gave a fifteen-dollar contribution.

Q. One fifteen-dollar contribution? A. Yes, sir.

Q. But, you made other contributions within lesser amounts? A. Yes, sir, but what the total is, I have no idea.

Q. And this contribution up at Centralia, you made, \$15.00 each and every Monday morning? A. Well, if I worked fifty hours.

Q. Fifty hours? A. That's—And I don't even remember if it was [821] Monday morning or not.

Q. Yes. Now, on your contributions to COPE, was this based upon a certain amount per hour? A. No, sir.

Q. Entirely different from this, wasn't it? A. Yes

Q. But it was—Let me state that this was a voluntary fund that you were paying in to COPE? A. That I was paying in to COPE, and I was paying into the Voluntary Fund at 562.

Q. Yes, sir. A. I mean it was, as I understand it, it was being used for the same thing.

Q. Yes, sir. But you don't know whether you'd have worked at Centralia or not if you had to pay it, do you?

Mr. London: I am going to object to the form of that question, Your Honor.

The Court: It will be sustained.

Mr. Riddle: That is all I have.

### **Recross-Examination.**

By Mr. London:

Q. You arrived at Centralia, you weren't approached with a Voluntary Fund—

The Court: He already answered that three times.

[822] Mr. London: He opened it up on redirect examination.

The Court: He said he didn't get it until he was there for a week. Now, it is still the same.

Q. (By Mr. London) Was it your understanding that this was a voluntary contribution? A. Yes, sir.

Q. To the 562 Political Voluntary Fund; is that correct? A. Yes, sir.

Mr. London: That's all.

The Court: Anybody else have any?

Mr. Riddle: Just one question.

**Redirect Examination.**

By Mr. Riddle:

Q. Are you familiar with the term "doby"? A. Doby is, they used to use that as the same as assessment.

Q. All right, sir. That is all.

The Court: Anybody else?

Mr. Daly: No, Your Honor.

The Court: We will adjourn until tomorrow morning at 9:00 o'clock. Members of the Jury, bear in mind the admonition I have given you heretofore in its entirety. You are excused.

(Witness excused.)

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[888]

**THOMAS E. CONROY,**

being first duly sworn, testified in behalf of the Government as follows:

[889]

**Direct Examination.**

By Mr. Riddle:

Q. Sir, would you state your full name? A. Thomas E. Conroy.

Q. And you are a resident of the St. Louis area? A. Yes, sir.

Q. How old are you? A. Forty-six.

Q. Are you a member of Pipefitters Local 562? A. I am.

Q. How long have you been a member of that local?  
A. Since February, 1942.

Q. Sir, are you presently a foreman? A. No, sir.

Q. Have you ever been a foreman? A. Yes.

Q. What period of time were you a foreman? A. At various times. I don't know, different jobs, maybe three months, maybe six months.

Q. Over this period of time since 1942, how many months or years have you totally out of that period been a foreman? Two or three years, or just your best estimate? A. Oh, maybe three years.

Q. All right. Sir, are you, at the present time, a [890] steward? A. No, sir.

Q. Have you, at any time in the past, been a steward?  
A. Yes, sir.

Q. Sir, referring to the Fisher Body job that was under construction in 19 and 63, were you a steward at that time? A. Yes, sir.

Q. Sir, over the past many years since 19 and 42, you have paid dues and assessments into your union? A. Yes, sir.

Q. Are you familiar with the term "assessment"? A. Yes.

Q. Do you know what it means? A. I think I do.

Q. What does assessments mean to you, sir? A. Well, assessment is something we agree to pay that is over and above our stamps which we pay monthly.

Q. Something you agree to pay to the union? A. Yes.

Q. Above your stamps? A. Yes.

Q. Now, by stamps, you mean by that your regular dues, regular monthly dues? A. Yes.

[891] Q. All right. At the present time, what are your stamps per month, using your phrase, terminology? A. Three dollars and a half a month.

Q. \$3.50 per month? A. Yes.

Q. Sir, at the present time, what are your dues—I mean your assessments? A. Three and three quarter per cent.

Q. Three and three-quarter percent of your total paycheck for any given period? A. Yes.

Q. That would be your gross amount? Three and three-quarters of the gross amount of your paycheck? A. Total, yes.

Q. All right, sir. Do you know a Mr. Gene Richardson? A. Who?

Q. Mr. Richardson, who is the foreman on the job at Fisher Body? A. Guy Richardson.

Q. Guy Richardson, yes, sir. Excuse me. Do you know Mr. Guy Richardson? A. Yes.

Q. Was he the foreman on the Fisher Body job that was under construction in 1963? [892] A. For Sheehan?

Q. Yes. A. Yes.

Q. Now, sir, during the period of time that you were on that job and acting as steward, did you make any collections of money from members of Local 562 who were working on that job? A. I did.

Q. And what were those collections for? A. The regular assessment and the Voluntary Fund.

Q. The regular assessment and the Voluntary Fund? A. That's right.

Q. Did you collect both the regular assessment and the Voluntary Fund? A. Yes.

Q. Now, sir, how did you go about collecting it? Did you do the collecting of both of them simultaneously? Well, let me rephrase that. Did you collect both of them from the workers at the same time? Did they pay you their regular assessment, and, as you say, the Voluntary Fund, at the same time? A. Yes.

Q. Were these payments made to you each week? A. Yes.

Q. And on what day of each week? [893] A. Usually Monday.

Q. All right, sir. Now, in connection with the collections, did you prepare a form showing the name of the people who paid and the amount they paid? A. Yes, I did.

Q. And you prepared this form each and every week? A. Which form are you talking about?

Q. I'm talking about the form now for this Voluntary Fund. A. Yes.

Q. All right. Now then, did you have another form that you prepared and filed in connection with the regular assessments? A. I did.

Q. Were these forms the same? A. No.

Q. How were they different? A. Let's see. That's five years ago. On one, I think it said Assessment 562 Local.

Q. And the other said—— A. Voluntary Fund, I believe, or something.

Q. Were they precisely the same, except for the heading on them? A. No. The columns on the lower part were a little [894] different.

Q. Do you remember in what respect they were different? A. It seems like the last two columns there was something different. I can't offhand remember.

Q. All right, sir. Now, in your collections that you received, will you tell the Court and jury whether or not you distributed the so-called Voluntary Contribution Cards to the people who were on that job? A. I did if they hadn't signed a card at a prior time.

Q. Anybody who hadn't prior to that time signed a card, you obtained a signature from those employees, or those workers? A. That's right.

Q. And at what place on the job did you perform this function? A. Well, various places on the job, depending on where the man reported, if the foreman was with me, and whether it was in the office, or if it was at a work bench.

Q. All right, sir. Now, did everyone who came on the job, talking about the Fisher Body job now at this time, did everyone who came on the job sign a card if they hadn't previously signed one? A. I believe so.

Q. How did you determine whether a person had previously [895] signed one? A. I asked him if he wished—when I presented the card, I asked him if he wished to sign a card to our Voluntary Fund, and if he said that he had already signed one, we never asked him to sign another one.

Q. You didn't pursue it any more? A. No.

Q. I see. Sir, when you were making these collections, did you make any difference in your approach to the collection of the Voluntary Fund and the regular union assessments? A. I don't think so.

Q. You collected them in the same way? A. Approximately. I mean I asked them if they wished to pay the Voluntary Fund.

Q. Now, sir, did you explain to them that there was a difference in the voluntary payments and in the amount of the regular assessments? A. I think they understood this when they signed the card, because any time I had a man sign the card, I asked him to please read it, and if he wished to sign it, to sign the card, and if he didn't wish to sign it, that was his own decision.

Q. Sir, at that time, did you understand that payments to the Voluntary Fund were assessments? [896] A. Well, can I sort of phrase or explain?

Q. Well, answer the question whether or not you considered them assessments, and then explain your answer,

if you would, please. A. Not officially, I wouldn't say assessment.

Q. Sir? A. Not officially.

Q. Well, what do you mean by officially? What about unofficially? A. Well, what I am trying to bring out is our interpretation, or I should say our meaning of the word. An attorney has one interpretation, which is a strict interpretation, and some of us fellows that our formal education is different and our meanings and our—actually, when we use a word it probably doesn't mean strictly what the attorney means by this word.

Q. Well, sir, I am not asking you about what an attorney might mean. I am asking you of your interpretation of the difference, if any, between the voluntary payments and the regular assessments into the Fund, or into the Union. A. Oh. One is voluntary, and one is—

Q. Mandatory? A. Well, I'd say that if you are a member of the Local, and you pay the assessment that you agreed to do so when you [897] joined the Union.

Q. Yes, sir. And this is what you understand an assessment to be? Something that you pay in order to join the Union? A. Oh, it came into effect after I joined the Union.

Q. The assessments? A. Let's see. I should say the amount changed. The percentage or per day changed after I joined the Union.

Q. Well, do you consider an assessment, in your interpretation, to be what you have to pay in order to join, as well as what you pay in order to stay a member?

Mr. London: Your Honor, I want to object to the form of the question, and also as to his interpretation would be irrelevant and immaterial, and would not be binding on these defendants.

Mr. Riddle: This man is a steward, Your Honor. He is out collecting these.

The Court: He may answer. It will be overruled.

The Witness: Would you rephrase that?

Mr. Riddle: Read the question back to him, please.

(Thereupon the reporter read the question as follows: "Well, do you consider an assessment, in your interpretation, to be what you have to pay in order to join, as well as what you pay in order to stay a member?")

[898] A. I guess your regular assessment. I'd say that.

Q. Sir? A. I'd say the regular assessment; yes.

Q. All right, sir. Now, sir, did you refer to the collections that you were making from the members into the Voluntary Fund as assessments when you were collecting the money from them? A. Did I refer to them—

Mr. London: Your Honor; may the record show a renewal of the previous objection?

The Court: All right. The record will show that you objected to this question, and the ruling will be the same.

Q. (By Mr. Riddle) Sir, did you refer to the collections that you were making into the Voluntary Fund as assessments at the time that you were collecting them from the members? A. I don't understand what you are trying to ask me. Are you trying to ask me that the Voluntary is the same as the assessment?

Q. Yes. That's another way to ask the question. What is your answer to that, sir? A. I don't think it is the same, because the amount varies and is different. One you are working on a percentage, and the other you are working per day.

Q. So the assessment for the Voluntary Fund is by the [899] hours and days; the assessments into the regular fund is based upon the gross amount of your check; is that what you are saying? A. That's right.

Q. But they are both assessments in your interpretation? A. No. One is voluntary, and one is an assessment.

Q. All right. Well, don't you refer to the payments into the Fund, into the Voluntary Fund, as assessments?

A. I don't think I do.

Q. Have you ever, in the past? A. I may have. I mean I don't know, officially.

Q. What do you mean, officially? A. Well, I don't remember of ever referring to it other than maybe in a term that it's used that way.

Q. Sir, did you refer to the collections that you made into the Voluntary Fund as assessments on reports that you filed with the Union? A. I don't think I ever have.

Q. Well, now if you have referred to them as assessments, why would you have done that?

Mr. Randall: Your Honor, I am going to object to that question. It is argumentative.

Mr. Riddle: I'll withdraw that question.

The Court: All right.

[900] (Thereupon Government's Exhibits Nos. 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155 and 156 were marked by the reporter for the purpose of identification.)

Q. Sir, I will hand you what has heretofore been marked as Government's Exhibits 144 through 156, and ask you to examine them for a minute, if you would, please, and I want to ask you some questions about them.

You have just handed me what's been marked Exhibit No. 144. Before you continue, can you tell the Court and jury if that was prepared by you? A. It looks like my printing; yes, sir.

Q. Speak up a little louder, please. A. Yes, I said yes, it looks as if I printed it.

Q. Sir, can you tell the Court and jury whether or not you did? A. I think I did.

Q. You think you did? A. I'm almost positive I did.

Q. Almost positive you did? A. I am positive. Let me put it that way.

Q. All right. Look at the rest of them, please.

Sir, have you looked at each and every one of the exhibits that I have just handed to you? A. I did.

[901] Q. And did you prepare each and every one of them? A. I did.

Q. And all of the notations, and all of the entries on these various documents represented by these exhibits were in your handwriting? A. Or printing.

Q. Writing or printing? A. Yes, sir.

Q. But all entries that are entered were made by you? A. I believe so; yes, sir.

Q. You believe so? A. (Indicating yes) I did.

Q. All right, sir. Sir, looking at—

Mr. London: May we see the exhibit before the witness is questioned about it?

Mr. Riddle: Yes.

(Mr. Riddle handed exhibits to defense counsel.)

Mr. London: May we approach the bench, Your Honor?

The Court: Yes.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. London: If the Court please, if I can make an objection to the questioning with regards to these Exhibits [902] 144 through 156, to continue through these, I think it would save some time rather than repeating it.

I assume that Mr. Riddle is going to ask this witness concerning various entries on these exhibits, which the term "back assess" is indicated. Am I correct, Mr. Riddle?

Mr. Riddle: Yes, among other things.

Mr. London: May the record show that we object to any questioning along this line, on the grounds that this witness's interpretation, or his notations of his interpretation would be totally irrelevant and immaterial to the issues of this case; would in no way be binding upon the defendants; the fact that he might interpret something as an assessment would not in any way have any probative value towards any of the issues in this case, and as far as being binding on the defendants.

Also object on the grounds—strike that last part.

The same objections would go to the various other entries that were indicated, that there was any amounts owed or due, or words to that effect.

Mr. Riddle: Well, to which we say, Your Honor, that the critical issue in this case, of course, is whether or not the monies collected in this fashion and paid as contributions to federal candidates, whether that money is union funds or not. This is the critical issue, and if a steward representing the [903] Union, one of the defendants in this case, collects the money and labels it "assessments," and "back assessments," and files a report in the regular course of business with the Union, then nothing, in the Government's point of view, could be more material to that issue.

Mr. Daly: Let me say in argument to that, Your Honor, please, the steward in representing the local as one defendant has certain defined duties and authorities in this matter, and his representation is limited by the U. A., and also by the local, and when he does this for the Volun-

tary Fund, he is not acting as an agent for Local 562, nor for any of the other defendants.

The Court: Do you have something else you want to say?

Mr. Riddle: In addition to that, aside from what we have said previously, it would certainly be relevant to show this man's understanding of it, because he is, by the defendants' position in this case; a member of the Fund; his attitude and understanding of what he was paying and what he was collecting would be relevant, if for no other reason——

The Court: All right. I will overrule the objection.

Mr. London: May the record show, however, that it is continuing, so I don't have to keep interrupting Mr. Riddle?

The Court: Well, it will go to any——

[904] Mr. London: With regard to these exhibits?

The Court: And with regard to assessment or owed.

(Thereupon the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Now, sir, calling your attention to Government's Exhibit No. 144, I'll ask you to examine it and see how the first column to the right of the names that appear on there is headed. What is it styled? Or what is the heading of it? A. Well, it looks like back assessment.

Q. Well, who put "back assessments" on it? A. I did.

Q. Did you know as much at that time about what an assessment is as you do today? A. I believe——

Q. Answer my question yes or no. Then explain it, if you will, please. A. I thought I did at that time.

Q. Yes, sir. And, at that time, you thought these collections were assessments? A. No, sir.

Q. You just happened to call them assessments? A. That's right.

Q. Now, sir, going down that column under the heading [905] "Back Assessments"— A. Yes, sir.

Q. Now, the first name on there is Mr. Anderson? A. That's right.

Q. Does he charge the back assessment for the week ending August 4, 1963? A. Back assessment. No, he didn't pay any back assessment, according to, or Voluntary.

Q. And none is charged? A. None is charged.

Q. The next man's name is Bernacchi? A. Yes.

Q. Does the record indicate a back assessment for him, or that any is charged to him? A. No, Voluntary.

Q. Sir? A. I say no, Voluntary.

Q. I am talking about the column headed "Back Assessment." Just refer to that, if you will. A. OK.

Q. The next man's name is Steinkamp? A. That's right.

Q. Is there any entry there showing back assessment? A. No.

[906] Q. The next man's name is Olivo. Any back assessment beside his name? A. No, sir.

Q. The next name is J. Menke. Now then, do you charge him with a back assessment? Sir? A. You are using the word "assessment".

Q. Well, do you charge him in the column that you set up yourself? A. Yes, sir. Thirty-two hours.

Q. Thirty-two hours. Back assessment. Does it appear in the column that you— A. It does.

Q. Sir? A. It does.

Q. That means that he is thirty-two hours behind? Is that what you mean by adding that figure in his column? A. Well, it meant that either he didn't have any money to pay the previous week, for this was during the strike.

He could have been on picket and came back to the job or—

Q. But in any event, your notation of thirty-two hours back assessment was determined by you at that time? A. That's right.

Q. That means that he owed you that amount of money? Or owed that amount of money? [907] A. I don't know whether he owed it or not. If he signed the card and wished to pay it, I collected it. This was made out after the assessments were collected.

Q. Made out after the assessments were collected? A. Or the Voluntary Fund.

Q. Yes, sir. Now, you say assessments, Voluntary Fund. Do you use the names, or the words, interchangeably? Not only on the witness stand, but elsewhere? A. I'd say interpretation—

Q. I am asking you whether or not you use the word interchangeably, assessment and this Voluntary? A. Well, it appears I did when I made this column up.

Q. Well, it appears, sir, that you just did it on the witness stand. Now, my question is do you use the words interchangeably, often and frequently?

Mr. Randall: Your Honor, I am going to object to this as repetitive. These questions have been asked,

The Court: Be overruled. He may answer it.

Mr. Riddle: The Court says you may answer.

The Witness: I didn't think I did, but it appears that I did.

Q. Yes, sir. Now, the next man appearing on—well, the next two, they have no back assessments? A. That's right.

[908] Q. Now, this fellow Buffa, does he have a back assessment? A. Thirty-two hours, according to the column.

Q. According to the column that you filled in? A. That's right.

Q. Now, what about Mr. Malone? What do you have about him? A. I can't actually make it out. It looks like fifty-three, and there is some symbol, plus seventy-two.

Q. His back assessment is seventy-two? A. It looks like fifty-three plus something.

Q. Fifty-three plus seventy-two? A. That appears to be what is on here.

Q. All right, sir. How much money did he pay to you that day? A. Twenty-four dollars.

Q. Yes, sir. Now then, the next one on the list is Mr. Budde. Does he have a back assessment into the Voluntary Fund? A. According to this, he had forty hours.

Q. Forty hours; yes, sir. Now, sir, is that an exact and true copy of the form that you filed down at the hall? A. It probably is a photostat copy of the one that I filed at the hall.

[909] Q. This type of a report you file weekly, or at least during this time you did? A. During that time, yes, sir.

Mr. Riddle: If it please the Court, at this time the Government will offer into evidence its Exhibit No. 144, and ask that it be received.

The Court: All right. It will be received.

Mr. London: Our objection goes to the exhibit itself.

The Court: Be overruled.

(Whereupon Government's Exhibit No. 144 was received in evidence.)

Q. (By Mr. Riddle) Sir, I show you what's been marked Government's Exhibit 145 and 146, and ask you to examine these two, 145 appearing to be for the weekly report ending August 4, 1963. See if any person from

whom you collected for that period is reported by you to have a back assessment? A. On this report there's no back assessment, but there's a figure of seventy-two in the column, which indicates that he paid me some money for a Voluntary.

Q. Now, sir, is that in the same column that you just had labeled in the previous exhibit as a back assessment column? A. Well, this one.

Q. You may answer that yes or no, and then explain it, sir. Is that the same column, sir? [910] A. It is in the same column.

Q. That you had previously labeled in your previous report as a back assessment column? A. That's right. Could I say—

Q. If you have an explanation, yes, sir. A. On this one, it says "Card Number" and it was just used as a space as a reference that somebody paid me money.

Q. Yes, sir. Now, sir, let me show you what's been marked Government's Exhibit 146, and ask you if that shows any entries in the same column? That's the column that is immediately to the right of all the names. A. Yes, there's three entries in the column.

Q. Mr. Crum, he has a back assessment of how much? A. It doesn't say back assessment.

Q. All right. But in the back assessment column. A. It says, "Card Number," and in the column below it Crum has seventy-two—

Q. Which is back— A. It is money that he gave to me that he owed.

Q. Yes, sir.

On his back assessment?

Mr. London: Your Honor, I am going to object to Mr. Riddle continuously using the words instead of asking the witness questions.

[911] The Court: All right. Ask him questions.

Mr. Riddle: All right, sir. Any others appearing on this list?

A. There's two other names on the list showing he gave me money for seventy-two hours, but it is listed under the column "Card Number".

Q. Yes, sir. Now, this column, the card number, just in order that everybody is clear, that's the column that you had previously marked "Back Assessment," is it not?

A. It is.

Q. I will show you Government's Exhibit 145, and ask you if there is any back payments or back assessments appearing in that same column? A. In the same column labeled "Card Number," there is a seventy-two hours, showing that a man paid me money.

Q. The money that he paid you there, was that for current payments? A. Current, and what is in the column.

Q. Current and plus this back — A. That's right.

Mr. Riddle: Your Honor, the Government would offer into evidence its Exhibits 145 and 146, and ask that they be received.

The Court: They will be received.

[912] (Whereupon, Government's Exhibits Nos. 145 and 146 were received in evidence.)

Q. Sir, I will show you what's been marked Government's Exhibit 147, and, again, calling your attention to the first column to the right of the names, have you made any notation on this report for the week ending August 11, 1963? A. Behind the fourth man's name?

Q. Yes. A. Yes. I have the word "back assess".

Q. Sir? A. I have the words "back assess".

Q. What does assess mean to you? A. I am beginning to wonder.

Q. Yes, sir. A. To me, it means voluntary money that he gave to me. And the only reason I would know this, the man would have to volunteer and tell me that he owed some money, or said he wished to donate some money from some job, because I would have no knowledge whatsoever of what he wanted to pay, because it's strictly the man had to volunteer this information to me, because I have no records from any previous jobs that he was on.

Q. All right, sir. Well, in addition to Mr. Price, you have made a notation "Back Assess"? A. That's right.

[913] Q. Does that mean he paid you some money from a back week? A. Well, it could have been from the first five days of the week. He started to work on a Saturday or Sunday on this job.

Q. Yes, sir. So—pardon me, go ahead. A. It looks as if I used the name back assessment instead of voluntary.

Q. Yes, sir. Look by the name Babaz. What notation appears there? A. That is the same way, but it would have to be a Voluntary, because I wouldn't have any record of what he owed.

Q. What are the words beside Babaz? A. It has "back assess".

Q. There is nothing there that you don't really have to appear to be voluntary. You didn't write "Voluntary" on it, did you? A. Well, at that time, evidently the term was used interchangeably.

Q. Yes, sir.

The Government would offer into evidence its Exhibit No. 147, and ask that it be received.

The Court: All right. It will be received.

(Whereupon, Government's Exhibit No. 147, was received [914] in evidence.)

Q. Sir, I will show you next what has been marked Government's Exhibits Nos. 151, 152, 153, 154, 155 and

156, and ask you to examine them and see if in the same column we are talking about if you make a notation of "back assessment" on each and every one of those reports? A. I did.

Mr. Riddle: The Government would next offer into evidence its Exhibits Nos. 151 through—

The Court: 151 through 156.

Mr. Riddle: The other two have been taken out, Your Honor.

The Court: All right. They will be received.

(Whereupon, Government's Exhibits Nos. 151, 152, 153, 154, 155 and 156 were received in evidence.)

Q. Sir,— A. Yes, sir.

Q. —are you reluctant to call these payments into the Voluntary Fund assessments? A. I am not reluctant. I mean it's the—I think it is the difference of our meaning and someone else's meaning of using the term interchangeably.

Q. You say it is our meaning? A. I'd say most—.

[915] Q. Just a minute. When you say our meaning, do you mean our meaning is assessment, and somebody else's meaning might be something else? Is that what you mean?

A. Well, I'd say our meaning, our, my meaning instead of including ours. That I realized it was voluntary, and I think the men realized it was voluntary, and, it was just our method that we grew up with assessments that I think we interchangeably or unconsciously used the term assessments instead of voluntary.

Q. Yes, sir. Sir, the word assessment wasn't new to you at that time, was it? A. I don't think so.

Q. You had become familiar with it in 1942, when you first became a member of Local 562? A. I believe there was assessments at that time.

Q. Yes, sir. Sir, have you talked to anybody, or anyone that told you, "Refer to these as voluntary contributions rather than assessments"? Has anyone told you to refer to them as that? A. No, sir.

Q. Have you talked to anybody since yesterday about your testimony here? A. About my testimony here?

Q. Yes. [916] A. Did I talk to any—

Q. Yes. A. I did.

Q. Did you talk to Mr. Richardson? A. Who is Mr. Richardson?

Q. I am talking about—

The Court: Mr. Guy Richardson.

Q. (By Mr. Riddle) Guy Richardson? A. I did.

Q. When were you subpoenaed? A. 6:00 o'clock.

Q. Last night? A. Yes.

Q. How did you talk to Mr. Richardson? A. He called me on the telephone.

Q. What time? A. Maybe 6:30. I don't know. It was after dinner, because I was at the dinner table when I guess the agent, or Mr. Creley, I think he told me his name, when he served the paper.

Q. In this conversation, did he tell you that he had identified you as the person who filled out these reports? A. He did.

Q. Did he tell you the type of questions you might be [917] asked when you came in the courtroom? A. He said it had reference to—

Q. Assessments rather than voluntary contributions? Is that what he told you? A. I don't remember, but he said it had to do with the wording on the voluntary sheet.

Q. Yes, sir. Did he give you any advice about how you should testify? A. No, sir.

Q. Did he tell you the purpose of his calling you?

Mr. London: Your Honor, I am going to object to this. It is not relevant or material, as well as calling for hearsay.

Mr. Riddle: I think it is relevant and material. Your Honor.

The Court: Well, isn't it hearsay as far as these defendants are concerned though, Mr. Riddle?

Mr. Riddle: Well, it could very well be, as far as these defendants are concerned.

The Court: OK.

Mr. Riddle: It is, but it is relevant insofar as the credibility of this witness's testimony is concerned.

Mr. London: We are going to object to that, Your Honor. Mr. Riddle is attacking the credibility of a witness that he placed on the stand.

[918] Mr. Riddle: Well, now, Mr.—

The Court: I am not going to get into an argument about that now in front of this jury, and I am going to sustain the objection as to what Mr. Richardson told him, because it is hearsay. All right. Let's proceed.

Q. (By Mr. Riddle) Sir, did you talk to anybody else besides Mr. Richardson? A. I did.

Q. Who? A. Mr. Nangle.

Q. Mr. Jim Nangle? A. That's right.

Q. When did you talk to him? A. I called about—I don't know—7:00 o'clock, made arrangements to talk to him.

Q. Did you ask for an appointment to talk to him? A. I did.

Q. Did you talk to him last night? A. I met him; yes.

Q. Where?

Mr. London: May we—

The Court: Come up.

(Thereupon the following colloquy ensued among the Court, and counsel, at the bench, out of the hearing of the [919] jury:)

Mr. London: Your Honor, at this time I want to object to this line of questioning, and also to request and instruct the Court to the effect that there is nothing improper about an attorney for the defendant interviewing any witnesses that may be called in a case, unless Mr. Riddle can show that there was anything improper about the interview on the questioning. I think that he is attempting to leave an impression with the jury that something was done by the attorney for the defendant that is improper, and unless he is prepared to offer evidence to that, I think it is highly prejudicial to leave this impression with the jury.

The Court: Well, of course he hasn't concluded his interrogation, first of all.

Mr. London: May we, at this point, ask Mr. Riddle if he intends to show there was something improper?

The Court: I don't think—Mr. Riddle doesn't have to tell you what he is going to do at all, and I will take care of the situation.

Mr. Riddle: Your Honor, I want to point out that this witness began his testimony about talking about lawyer talk as opposed to other type of talk. He has consistently confused the word "assessment" for "voluntary contribution," clearly showing that he had some prompting and some advance [920] notice as to the type of questions that he was going to be asked. I think that is sufficient basis for this inquiry to be justified.

The Court: I have not denied you the opportunity to make the inquiry, and I will tell the jury that counsel for the defense have a right to interrogate witnesses on the questions——

Mr. London: For the record, may the continuing objection go to this line of questioning, so I don't have to interrupt Mr. Riddle again?

The Court: No. You make your objections whenever they should be made. This business of making continuing objections is not going to continue.

Mr. London: I am just doing it trying to expedite the matter.

The Court: It isn't a question of expedition. It is a question of keeping a record in proper order. I have no objection when it refers to exhibits, such as 144 through 156, but when it continues to the interrogation of a lot of witnesses, I have a very substantial objection to it.

(Thereupon the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Sir, in connection with the terminology or the phrases "assessments" and "voluntary", [921] what is your understanding of what voluntary means? A. Well, voluntary, to me, means that if I sign a card pledging something, that it is a voluntary thing. It's the same as if I sign a pledge to the church, and if I told them I'd give them \$10.00 a week, that I feel that I should fulfill my obligation, and if any time I decided not to fulfill the obligation, or financially I could not fulfill the obligation, I would either refuse to donate, or ask to be excused from such.

Q. Sir, that explanation that you have just given, did anyone give that explanation to you? A. No, sir.

Q. This is your own explanation? A. That is my interpretation.

Q. Yes, sir. Sir, with respect to voluntariness, do you consider the payment of your telephone bill voluntary?

A. Well, in a sense that I signed up to get a telephone. If I want a telephone, I have it to the point that I need the phone. Therefore, when I receive service for that, I feel like I should pay for it.

Q. Do you consider it a voluntary payment? A. It is voluntary from the fact that I asked for a telephone. If I didn't want to pay it, I could have the choice of having the telephone taken out.

Q. Yes, sir. Sir, how do you consider the payments of [922] your gas bill? Do you consider them voluntary?

Mr. London: Your Honor, I am going to object to this question; calling for a conclusion of the witness; irrelevant and immaterial to the issues in this cause.

The Court: No. He may answer.

The Witness: You wouldn't necessarily have to have gas.

Q. Well, do you consider your payments voluntary? A. To the point that I asked for service, yes, and I am getting a product for it.

Q. And those voluntary payments are each month? A. That's right.

Q. And then based upon the amount of gas that you use? A. I'd say yes.

Q. These "voluntary" payments that you make to the Union are paid upon the number of hours you work? A. That's right.

Q. Now, sir, in addition to the labeling of these payments as assessments on the exhibits that we have offered into evidence, and which have been received into evidence, have you used, or have you described these payments as assessments on other occasions, and other reports that you filed with the union hall? A. On Voluntary?

[923] Q. On these forms that we have just gone over? Have you made other forms like these out and referred to back debts or back amounts as back assessments? A. I have no knowledge of any exact ones that I did. I'd either be assuming that during the time I was three years a steward, that this is all that showed upon my report.

Q. You are assuming that? A. Well, otherwise, I mean I am assuming that you'd have them in evidence if there were more.

Q. My question is, are there more, or are there not? A. I do not know.

Q. I see. Sir, besides the name and the amounts collected on the report that you filed with the Union, what do the letters ROT mean? A. It probably shows up in the last column, and it means the fact that this job took part during the strike when the men were rotated out of the job and they were replaced with someone else the following week.

Q. This ROT, does this mean that the person was excused from paying his "voluntary" payments?

Mr. Daly: Your Honor, I am going to object to that manufactured term "voluntary." I object to it. No witness has used that. I object to Mr. Riddle's use of it.

The Court: All right. It will be sustained.

[924] Q. (By Mr. Riddle) I show you what's been marked as Government's Exhibit No. 150. I believe you previously identified that as the one that was prepared by you and in your own handwriting or printing? A. Yes, sir, I believe so.

Q. Now, sir, there is a list. The first nine names shows work from forty-four to forty-eight hours, and no payment was made into the Voluntary Fund; is that correct? A. This first list?

Q. Yes. A. From here down?

Q. Yes. The first nine. A. That's right.

Q. And instead of the amount that normally appears there of the payment, there appears the three letters ROT? A. That's correct.

Q. Now, tell the Court and jury what that ROT stands for? A. It meant that the men were rotated out of the job, and there would be knowledge, or there would be no way for me to collect the money, because they wouldn't be on the jobsite the following Monday.

Q. All right. So according to your report, they didn't voluntarily contribute at that time?

Mr. London: I am going to object to the form of [925] that question. That is not my understanding that the witness just testified.

The Court: What your understanding is and what the question is are two different things. If he can answer the question, he will answer it, and if he can't, he won't.

The objection will be overruled.

Mr. London: May the record also show my objection to the form of the question?

The Court: Be overruled.

Q. (By Mr. Riddle) Sir, does that mean these nine people didn't voluntarily pay into the Fund, pay to you that week? A. This means that those nine men were not on the job that Monday to pay a Voluntary Fund to me.

Q. Yes, sir. A. Because this ends on Sunday.

Q. Yes, sir. This is a report that you filed with the hall? A. Yes.

Mr. Riddle: The Government would offer into evidence its Exhibit No. 150, and ask that it be received.

Mr. Daly: May we show our objection?

The Court: All right. It will be received. The objection will be overruled.

(Whereupon, Government's Exhibit No. 150 was received [926] in evidence.)

Mr. Riddle: Your Honor, I believe that is all I have of this witness.

The Court: All right. Do you want to interrogate him now, or do you want to go to lunch?

Mr. Randall: Go to lunch.

The Court: All right. We will return at 2:15. Members of the Jury, bear in mind the admonition I have given you heretofore.

(Thereupon, at 12:45 p. m., court was in recess for lunch until 2:20 p. m.)

Tuesday, September 10, 1968.  
Afternoon Session.

**THOMAS E. CONROY,**

having previously been sworn, resumed the witness stand and the further following proceedings were had before the jury:

Mr. Riddle: If it please the Court, I have one more exhibit to have marked and put in.

The Court: OK.

Mr. Riddle: If we can at this time.

(Thereupon, Government's Exhibit No. 157 was marked by the reporter for the purpose of identification.)

Q. (By Mr. Riddle) Sir, I will show you what has been [927] marked Government's Exhibit 157; and ask you to examine it and determine if that was prepared by you and in your handwriting, or in your printing? A. Yes, it was.

Q. Sir, does that purport to cover the pay period ending September 1, 1963, on the Fisher Body job? A. It does.

Q. Mr. Guy Richardson is the foreman? A. He was.

Q. And that's the job on which you were the steward?

A. That's right.

Q. Sir, does that show that Mr. C. Clark paid a back assessment of \$21.50? A. No, it does not. It shows that he paid four days and two hours current Voluntary in the column is the words "back assessment".

Q. You put the words "back assessment" there? A. Yes, sir.

Q. All right, sir. Why did you put the words there?

A. I don't know why. Just I guess a terminology is all I can say.

Q. Well, sir, is it true that the number of hours worked by Mr. Clark for that week was thirty-four, as indicated in the column? [928] A. That's right.

Q. And his normal payment would be what, for thirty-four hours per week? A. Oh, \$2.00.

Q. Two dollars? A. Or \$4.00.

Q. Four dollars for thirty-four hours? But the report you made showed \$21.50. A. That's right.

Q. All right. The difference between \$4.00 and \$21.50, what does that represent? How do you account for that?

A. He paid me.

Q. For back assessments? A. Well, you term it back assessment. It is a term that I used on that first column.

Q. Yes, sir. I'm not putting these words in your mouth, am I? A. No. It is written there.

Q. By you? A. Yes, sir.

Q. Now, in the same column underneath "back assessment", is there a Mr. Eads who makes a payment? A. That's right.

Q. And under that same column, directly below "back [929] assessment", is there figures entered there, forty hours? A. Forty hours is right.

Q. All right. And how many hours did Mr. Eads work for that pay period? A. Thirty-two hours for the current pay period.

Q. And thirty-two hours would be how many days at that time? A. Roughly, four days.

Q. He would owe roughly \$4.00 for the current week? A. That's right.

Q. So the difference between \$4.00 and \$9.00 would be \$5.00? A. Right.

Q. Sir, is the back assessment for forty hours, is this what that represents? A. It represents forty hours that he paid me from some other job.

Q. Yes, sir. All right, sir.

The Government would, at this time, Your Honor, offer into evidence its Exhibit No. 157, and ask that it be received.

Mr. London: Your Honor, may the record reflect the same objections that were made to Exhibits 144 through 156?

The Court: The record will show the same objection and the same ruling. It can be received.

[930] (Whereupon Government's Exhibit No. 157 was received in evidence.)

Mr. Riddle: That is all the questions.

### Cross-Examination.

By Mr. Randall:

Q. Mr. Conroy, I first hand you Government's Exhibits 144, 145 and 146, and I will ask you if those are all dated August 4, 1963? A. They are all dated August 4, 1963.

Q. Then, Mr. Conroy, I hand you Government's Exhibits 147 through 155, and I will ask you if they are all dated August 11, 1963? A. They are.

Q. And I'll hand you the last two exhibits, 156 and 157, and I'll ask you if each of those are dated September 1, 1963? A. They are.

Q. Now, sir; during those three periods, those three pay periods that all these exhibits come from, Local 562 was on strike; isn't that correct, sir? A. We were on strike from June 15 or 16, roughly, think seventy days.

Q. Up through the 1st of September, weren't they? A. Roughly; yes.

Q. And following the strike, when the strike was over [931] is when the contractors started checking off dues and assessments of the Local, isn't that correct, sir? A. I think it was under the new contract.

Q. Yes. And prior to the new contract, when you served as a steward you collected dues and assessments, as well as voluntary contributions, isn't that correct? A. That's right.

Q. During the strike—and, incidentally, the strike did not apply to all employers, did it? A. No. It only applied to the members of the Contractors Association, I believe.

Q. And during the strike, the Local rotated the people through the jobs that remained, didn't they? A. Yes.

Q. In other words, a man might work a few days, and then be off a while, and go to another job, and things of that nature? A. That's right.

Q. So that when a man came on your job on August 4th, or during that week ending August 4,—and I'll show you first Government's Exhibit 144, sir—you have a number of people on that particular sheet, and there were three people who came on that job that week and offered to you the contributions for work that he had

failed to pay on the last job [932] because of his departure before the date of collection; is that true? A. Well, that's where these figures here came. That had to be a voluntary number unless it was carried over from a specific week that he had worked on our job.

Q. There are three of them on there? A. I will tell you this. I don't know offhand. I'd have to have the sheet prior to August 4th, the week prior. I am assuming that they come on and that they volunteered this money.

Q. All right. And in the first column, which is for the card number of the employee, you have inserted, with respect to J. Menke, thirty-two plus, haven't you? A. That's right.

Q. Now, that's thirty-two hours plus the seventy-two that he worked during that week that is shown in the other column? A. That's right.

Q. For a total contribution of \$13.00? A. Right.

Q. And you have a similar situation with respect to Malone and Budde, isn't it? A. Budde.

Q. And on Exhibit 145, which is a part of the same week's [933] report, you have another man whose name is Barry, and you got seventy-two plus, and then seventy-two hours there, and he contributed for two weeks, didn't he? He contributed twice what the others did, \$18.00, and you show seventy-two hours over here, plus the seventy-two over here; isn't that correct, sir? A. That's right.

Q. Now, of course, you didn't know these men—and then on the third exhibit, there are three more where they show a seventy-two over here another week, there's two weeks shown; right? A. That's right.

Q. On this exhibit. And on one of these exhibits, and only one, you have marked out the words "card number" and inserted "back assessment"? A. Assess.

Q. Now, the only way you knew that this man had not made his contribution for the prior week was by his coming and telling you, and offering you the money; is that correct, sir? A. That's right. If he was on another job.

Q. Then this group of exhibits that relate to August 11, or the following week, starting first with 147, most of the men there were—that was a short week, wasn't it, for those [934] people, two days? A. Started on a Saturday.

Q. Those people then had been rotated in to you the middle of the week? A. That's right.

Q. And there's a couple of them who paid a back amount of \$2.00—no, of \$5.00. In other words, it shows ten for some and five for the ones that only worked two days; is that right? A. That's right.

Q. And those men came to you and told you that they had not made their contributions on the prior job? A. That's the only way I'd know it.

Q. And that's true with a number of people in this report for this week? A. That's right.

Q. You have some people working the last two days of the week, and some of them working the first three or four days of the week, don't you? A. That's right.

Q. Now, Mr. Conroy, at that time you were also collecting the dues and assessments of the Local? A. Correct.

Q. And you had forms for that purpose that were similar [935] to these, but had dues and assessments at the top, isn't that correct? Or something of that nature? A. Similar to that.

Q. This form here has "Pipefitters Voluntary Fund" at the top, doesn't it? A. That's right.

Q. And in making your collections, I suppose at the same time these men were coming in and paying their

dues and assessments, their back dues and assessments?  
A. That's right.

Q. And whatever you happened to label it, Voluntary Fund, or use the term assessments, did you tell any of these people that it was mandatory that they paid into this Voluntary Fund? A. I did not.

Q. Did you tell any of them that if you did not pay they would not be permitted to continue to work? A. No, sir.

Q. Did you ever tell anyone that? A. No, sir.

Q. Did you ever tell anyone that he would not be given his rotation during this strike if he did not pay into the Voluntary Fund? A. No, sir.

Q. Did any of these defendants, Mr. Callanan, Mr. Lawler, [936] or Mr. Seaton, ever tell you to tell anyone that? A. No, sir.

Q. Have you always paid into the Voluntary Fund?  
A. Ever since its inception, since I have been in the Local.

Q. Are you still paying? A. Yes, sir.

Q. And, sir, what political party are you affiliated with?  
A. You mean the way I vote or—

Q. Do you consider yourself a Republican, a Democrat, or an independent? A. Well, I vote a Democratic ticket.

Mr. Randall: I believe that's all the questions I have.

(Thereupon Defendant Union Local 562's Exhibits F and G were marked by the reporter for the purpose of identification.)

Q. (By Mr. Randall) Mr. Conroy, I hand you what has been marked Defendant Union Local 562's Exhibits F and G, and I will ask you, sir, if those are the Voluntary Cards that you signed? Do they contain your signature?  
A. They are.

Q. And would you give the dates, starting with G? [937] That is G you are looking at now. A. 1-14-63.

Q. And then F, what is the date of it? A. 12-7-66.

Mr. Randall: That is all the questions I have, Your Honor.

**Redirect Examination.**

By Mr. Riddle:

Q. Sir, do I recall your testimony accurately, that the strike concluded sometime the latter part of September of '63? A. I said it lasted roughly seventy days, I believe. I mean I don't know for sure.

Q. And it began when? A. I think the morning of the 16th of June.

Q. 16th of June? A. I believe—It started the day after the contract ceased, and I think it was the 15th.

Q. So you would have been on strike through the months of July and August? A. Definitely.

Q. Now, how many jobs were still working or going on in spite of this strike? A. I wouldn't have any knowledge.

Q. Well, do you know about how many members of 562 were [938] out of work because of the strike, during that period? A. I don't think I'd have any knowledge of it.

Q. Sir, you mentioned that the workers were being rotated around so that each one of them could get some work during some part of each week? A. That's right.

Q. What was the purpose for that, if you know? A. To share the wealth; share the work.

Q. To share the work, so that each one of them could have enough income to live on during the strike? A. That's right.

Q. This was an acknowledgement that they needed some money in order to support themselves, buy groceries, etc.? A. I imagine so; yes.

Q. Now, sir, these are the same people, the same members which you testified to that came up to you and wanted to voluntarily contribute for their back payments immediately, the first week they were back on the job after being off on a seventy-day strike? Are these the same people that you referred to who wanted to voluntarily contribute to you? A. What period of time are you talking about?

Q. I am talking about the people who came back the first week after the strike, these people that Mr. Randall talked to you about, who paid sums of money in addition to [939] their regular payment. A. Well, some of the men had been working the weeks prior.

Q. But they hadn't been working full weeks, had they not? Weren't all your people rotating in order to help them out during this stress period? A. I have no knowledge whether they were all rotating or not, without having some record of the books at the hall.

Q. Yes, sir. As a matter of fact, these books at the hall, they were not available to you, I take it? A. I guess they were if I wanted to look at them, but I never had any need to look at them.

Q. The assignments or rotations were made from the hall and not by you, were they? A. The men who were referred from the hall, yes, sir.

Q. And the hall had access to whatever access were there, and they made their determinations, I suppose, upon what information they had? A. I assume that.

Q. Sir, you answered Mr. Randall by saying when these men came back on the job, that they came up to you and said that they were behind in their contributions and wanted to catch up, or words to that effect. Well,

sir, if they said that they were behind and wanted to make their contributions, [940] why did you write down on the card, or on the papers, "back assessments," rather than contribution? If they said contribution, why didn't you write this down, rather than assessment? A. Well, I used the term contributions. I don't know if they said contributions or Voluntary.

Q. Or assessments? A. Or assessments, if that's the way you wish.

Q. Yes, sir. They could have said, "Here is my back assessments," just as easily as they could have said the other? A. I imagine so.

Q. Yes, sir. In fact, some of these people in returning from strike paid as much as \$24.00 out of their first paycheck, did they not? A. I don't know if they were out of work all that time.

Q. Yes, sir. A. They could have worked a week and been off a week and rotated, come back to work again.

Q. But this was a period of time when members of Local 562 weren't particularly flush with money, wasn't it, because of the strike? A. I don't know whether they were flush with money. It depends if they were prepared for a strike.

Q. In any event, their income was less for that period of time, wasn't it? [941] A. Definitely.

Q. Sir, in looking over these exhibits, and you looked them over carefully this morning, as I recall, did you see a single man on there on your job who didn't pay you money for the period of time that's covered? A. I don't think so. I didn't study them that close, but I imagine most of them paid.

Q. You imagine most of them did, or all of them? A. Or all of them.

Q. And that was true throughout this job, wasn't it? A. Except the men that rotated, I'd say.

Q. And the men that rotated may have paid on another job? A. They could possibly have. I have no knowledge of that.

Q. You wouldn't know that? A. No, sir.

Q. But the records that were filed with the hall would show that, wouldn't they? A. I imagine it would.

Mr. Riddle: Yes, sir. That's all.

The Court: Mr. Randall?

Mr. Randall: No questions.

The Court: All right. You may be excused.

(Witness excused.)

\* \* \* \* \*

[946]

**WALTER DETRICH,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, you are Mr. Walter E. Detrich? A. That's right.

Q. Spelled D-e-t-r-i-c-h? A. That's correct.

Q. And you live here in St. Louis? A. Yes, sir.

Q. Sir, are you a pipefitter and a member of Local 562?  
A. I am.

Q. How long have you been a member of that local? A.  
Eleven years.

Q. Eleven years? A. Yes, sir.

Q. Sir, are you a foreman at this time? A. Yes, sir.

Q. How long have you been a foreman? A. About three months.

Q. Are you now a steward? A. Yes, sir.

[947] Q. How long have you been a steward? A. On this particular job that I'm on right now?

Q. Well, or at any time? A. Well, a little over four years all together.

Q. All right, sir. Sir, were you a steward in 19 and 64, and, particularly I'm referring to the Veterans Hospital project down at Jefferson Barracks here at St. Louis. A. Yes, sir.

Q. Who was your foreman? A. Tom Williams.

Q. Do you know if Mr. Tom Williams is the gentleman who testified here earlier in the trial? A. Yes, sir.

Q. You know he did testify? A. Yes, sir.

Q. Did he tell you? A. I talked to him yesterday in the witness room.

Q. Yes, sir. Mr. Detrich, in connection with the job down at Jefferson Barracks, did you prepare forms or documents which reflected the amount of money paid by people working on that job? A. I did.

Q. Did you prepare them in your own handwriting, generally? A. Yes, sir.

[948] Q. Did you ever seek the assistance of typist? A. I don't recall now. There was a typewriter in the office, and it may have been used on one occasion or more, but I just don't remember that.

Q. Did you use the typewriter yourself some? A. I can use one.

Q. All right, sir. Sir, do you remember an employee on that project by the name of Weis? A. Yes, sir.

Q. What is his first name? A. That I don't know.

Q. Is it W? A. I just don't recall.

Q. I see. Sir, I will hand you what's been marked Government's Exhibits 98—89, rather. 89A-1, and 89A, 89B, 89C, 89D, 89E, 89F, 89G, 89H, 89I, 89J, 89K, 89L and M, and ask you to examine them and tell the Court and jury

if those were prepared by you, and if they are in your handwriting? A. Yes, sir, I would say that's my handwriting.

Q. Are all the entries on these documents or exhibits your writing and made by you? A. Yes, sir.

Q. I see. Sir, I'm referring you now to—

Mr. Randall: Is that 89A-1 through 89M, Your Honor?  
[949] Mr. Riddle: Well, it is 89, and then 89A-1 and 89A.

I hand you what's been marked Exhibit No. 89A-1, and ask you to examine it and see if it refreshes your recollection as to why Mr. W. Weis—

Mr. Daly: Your Honor, may we see these before he starts reading them?

Mr. Riddle: Sure.

(Mr. Riddle handed exhibits to defense counsel.)

Mr. London: Your Honor, may the objection that we made with regard to the testimony concerning Exhibits 144 through 156 apply to the testimony concerning these exhibits, and the exhibits themselves?

The Court: Well, I think it would be better, Mr. London, if you would restate them then here in the record at the right time.

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. London: If the Court please, we wish to object to all testimony concerning Exhibits 89, and 89A-1 and 89A through 89M, both inclusive, on the grounds that there are statements contained in those exhibits which are irrelevant and immaterial to any of the issues in this cause. From an examination of these exhibits, it appears that Mr. Riddle is [950] going to question the use of the

words "assessments," and "no assessments," and of the words of similar import.

It is our position that whatever the frame of mind or understanding of this witness might be as to his reason for using such terms or phraseology would in no way be binding on the defendant in this cause, and that they would be irrelevant and immaterial, in addition to being hearsay, and that evidence of this nature would be prejudicial to the defendants.

The Court: All right.

Mr. London: I might ask Your Honor again, subject to the approval of the Court, that the objection be continuing as to the testimony concerning these exhibits, and the exhibits themselves, so I need not interrupt continually.

The Court: Well, as to the exhibits, it would be continuing, and they will be overruled.

(Thereupon the trial was resumed before the jury as follows:)

Q. (By Mr. Riddle) Sir, I will withdraw my last question, and we will begin before the brief interruption.

Sir, in connection with these forms that you filled out, did you collect the money yourself? A. Yes, sir.

Q. Do you remember Mr. Herman Novack? [951] A. I do.

Q. And did you collect from him \$10.00 a week for forty hours' work? A. If that is what it says there, I did.

Q. All right. Do you remember Mr. Cliff Davenport? A. Yes, sir.

Q. And did you collect \$10.00 a week for forty hours worked from him? A. I did.

Q. On that job. And, sir, do you know if these two gentlemen were out-of-towners, or regular 562 members?

A. They were out-of-town members.

Q. Do you remember what local they were members of?  
A. No, sir, I do not. I think Davenport was from Los Angeles.

Q. Now, Mr. W. Weis, do you remember him? A. Yes.

Q. Did you collect any money from him? A. No, I did not.

Q. No money of any kind? A. That's right.

Q. Now, why did you not collect from him? A. Well, he was—his father had just undergone a real serious illness, and I think had a hospital and doctor [952] bill that amounted to around \$7,000, and I think you can see his scale, he was working as an apprentice, and that's the reason he wasn't asked to contribute to the Voluntary Fund.

Q. You didn't do this on your own, did you? A. No, I didn't.

Q. Who did you call to get permission to exempt him?

Mr. Daly: I am going to object. That is assuming something not in evidence.

Mr. Riddle: He said he didn't do it on his own.

The Court: Well, I don't know.

Mr. Riddle: I will rephrase that question, Your Honor. Withdraw it.

The Court: All right.

Q. (By Mr. Riddle) You testified you didn't do this on your own. Who did you talk to about it? A. That, I don't recall, sir, whether I talked to someone, or someone talked to me. To the best of my knowledge, I just don't remember.

Q. Well, did you talk to someone down at the hall? A. It would have been someone from the hall.

Q. Does it refresh your recollection if I mention the name Ed Steska? A. Could have possibly been him.

Q. Who else could it have been? [953] A. Well, it could have been any one of our business agents.

Q. Could it have been Mr. Lawler? A. Could have been.

Q. Mr. Seaton? A. Could have been.

Q. Or Mr. Callanan? A. No, I'm quite certain it wasn't Mr. Callanan.

Q. But you are certain that someone at the hall gave you these instructions? A. That's correct.

Q. Why did you need instructions, sir? A. Well, it's customary to ask a member that's just coming on a job if he wants to contribute to the Voluntary Fund, and have him sign a card.

Q. Did you do that in this case? A. No, because I was told when this man came to work that he was not to contribute to this Fund.

Q. All right. Well, sir, were you told by someone at the hall, one of these gentlemen whose names that I have just mentioned—

Mr. London: Your Honor, I want to object to the form of that question. I'd like the record to show that the witness said in response to Mr. Riddle's question, that it [954] could have been one of the names mentioned, but I do not think the witness said that it was one of the names mentioned. I think that the question is improper in form, and assuming something that the witness did not testify to.

The Court: All right. I will sustain it as to the form of the question.

Q. (By Mr. Riddle) Sir, did you have the conversation with someone at the hall before Mr. Weis came down and reported to work? A. In all probability, yes.

Q. Well, now, would this have been a call to you then, rather than a call from you to them? A. Probably a call to me.

Q. A call to you. Now, you say you are not sure who the person was that made the call? A. No, sir, I am not.

Q. Can you tell the Court and jury the substance of what was said in this conversation when the call was made? A. Well, just that he was not to contribute to the Fund. That's as far as I can tell you. This is something that happened almost five years ago, and at that time it didn't make any impression on me. It was nothing that was important enough that I should remember at all.

Q. Yes, sir. Now, then, did you receive a call from [955] the hall telling you to not collect from anybody else on that job? A. No, sir, I did not.

Q. Now, sir, when you filled out these weekly reports, did you include Mr. Weis's name on it? A. Usually.

Q. Well, what do you mean? A. Well, it is the usual procedure. I would put his name down since he is working there.

Q. Whether he made any payment or not? A. That's correct.

Q. Now, sir, I will show you again what's been marked Government's Exhibit 89A-1, and ask you if the writing that appears beside Mr. Weis's name, namely "\$2.50 per hour no assessments," if that was in your handwriting? A. Yes, sir.

Q. Now, what did you mean by this? No assessments for what? A. Well, assessment is just a term, not necessarily meaning assessments as such, but a contribution to the Voluntary Fund is actually what is meant by that.

Q. Well, you know what assessment means, don't you? A. Yes. I have a fair idea what assessment means; yes, sir.

[956] Q. Is there any difference between assessment and voluntary? A. Yes, sir.

Q. What is the difference? A. Well, an assessment doesn't necessarily have to be voluntary. Where a voluntary fund—contributions to that is voluntary.

Q. Did you know the difference between the meaning of those words at that time? A. Yes, sir, I did.

Q. Well, then why did you put "assessments" here instead of voluntary? A. Because it is a word that's used loosely among all of us, and—

Q. Yes, sir. All right, sir. I show you the rest of the exhibits that I have mentioned. I call your attention to Government's Exhibit 89C, and ask you if the words, "No assessments" appear beside Mr. Weis's name? A. They do.

Q. And Government's Exhibit No. 89—that was C—89D, the words "no assessments" appear beside Mr. Weis's name? A. That's correct.

Q. I show you Government's Exhibit 89G, and ask you if "no assessments" appear beside Mr. Weis's name? [957] A. They do.

Q. I show you Government's Exhibit No. 89I, and ask you if the words "no assessments" appear beside Mr. Weis's name? A. They do.

Q. Is that your handwriting there also? A. Yes, sir.

Q. Sir, did you see the words "no contributions" appearing anywhere in any of these exhibits that relate to Mr. Weis? A. No, I didn't.

Q. In Government's Exhibit 89A-1, I believe the words appear "no assessments" beside Mr. Weis's name? A. That's correct.

Q. Sir, in the telephone conversation that you had from the hall, let me ask you this, whether or not you were told, and whether or not these words were used, that Mr. Weis was to be charged no assessments?

Mr. Daly: I object to this as being hearsay, Your Honor.

Mr. Riddle: No, it is a conversation from one of the business agents down at the hall, Your Honor.

Mr. Daly: Your Honor, there is no evidence he talked to a business agent. He didn't indicate who he talked to.

The Court: Well, he's indicated it could be any one [1958] of a number of people, and I don't think that—As a matter of fact, the witness has said he doesn't remember who it was. I will sustain the objection.

Q. (By Mr. Riddle) Sir, let me ask you again, do you recall who it was you talked to? A. No, sir, I do not.

Q. Do you know if it was one of the officers? A. I would say it would have to be.

Q. Why would it have to be one of the officers? A. Well, I wouldn't take orders from anyone else.

Q. Are you saying that you wouldn't write "no assessments"? A. Assessments, sir, is just a word that has actually no meaning there.

Q. Sir, are you testifying that you wouldn't refuse to accept money from anyone unless one of the officers told you not to collect it? Is that what you are saying? A. In this particular case, yes.

Q. Otherwise you would have been collecting from him? A. If he had signed a card, one of the Voluntary Cards, yes.

Q. Did you ask him to sign a card? A. No, sir, I did not.

Q. All right. Sir, can you tell the Court and jury why you consistently and each week made a record of Mr. Weis, [1959] although he made no payments? A. Well, just because he was one of the people working there.

Q. And did you, on all of your reports, account for every person that was working on your job, on these reports, to the Pipefitters Voluntary Fund? A. Yes, sir.

Q. On whose instructions did you do that? A. Well, I took this job over from Tom Williams. That is the way he made them out, and that's the way I made them out.

Q. These reports include everybody? A. All of 562, plus out-of-town men. All pipefitters, let us say.

Mr. Riddle: Yes, sir. The Government has nothing further of this witness.

The Court: All right. Who is going to cross-examine?

Mr. Riddle: The Government would like to offer into evidence, however, its exhibits 89, 89A-1, and 89A through 89M, and ask they be received.

The Court: They will be received.

(Whereupon Government's Exhibits Nos. 89, 89A-1, 89A, 89B, 89C, 89D, 89E, 89F, 89G, 89H, 89I, 89J, 89K, 89L and 89M were received in evidence.)

(Thereupon Defendant Union Local 562's Exhibit H was [960] marked by the reporter for the purpose of identification.)

### Cross-Examination

By Mr. Daly:

Q. Mr. Detrich, I will hand you what's been marked Union Local 562's Exhibit H, and ask you what that is, sir? A. This is a Voluntary Contribution Agreement signed by James O'Mara and witnessed by myself.

Q. Oh, I am sorry. I got the wrong one. Is it signed by James O'Mara and witnessed by yourself, or is it signed by you and witnessed by James O'Mara? A. It is signed by me and witnessed by O'Mara.

Q. Is that your signature that appears on the bottom? A. No. Where it says "signed".

Q. Where it says Walter Detrich, is that your signature? A. That's my signature.

Q. Were you the steward on the Jefferson Bank job from the beginning until the end of the job? A. No, sir, I was not.

Q. And when did you become the steward down there? Can you tell us? A. No, sir, I don't remember. I think the dates on those sheets that you have there could probably tell you when I started as steward.

Q. You don't recall. Did Mr. Weis come to the job [1961] after you became the steward? A. I think so.

Q. And then you were the one that would have talked to him and would have not asked him to sign the Voluntary Card, is that correct? A. That's correct.

Q. Do you know how long Mr. Weis worked on that job? A. No, I don't.

Q. Do you know when the job closed down? A. I wasn't there when it closed. I was transferred to the powerhouse at Portage de Sioux.

Q. Was Mr. Weis still on the job at the time you were transferred? A. To the best of my recollection, he was.

Q. Now, Mr. Dietrich, do you contribute to the Voluntary Fund yourself? A. I do.

Q. Has anyone ever told you that you had to contribute? A. Never.

Q. Has anyone ever told you that it was a condition of your working that you contribute to this Fund? A. Absolutely not.

Q. Did you ever tell anybody from whom you collected that it was a condition of their working that they pay into [1962] this Fund? A. No, sir, I never did.

Q. Did any of these defendants, either Mr. Callanan, or Mr. Lawler, or Mr. Seaton, ever tell you that you had to pay into this Fund to work? A. Absolutely not.

Q. Did they ever tell you that you had to tell any of the men who came out to these jobs that they had to sign a card that they had to pay? A. No, sir.

Mr. Daly: I have no further questions.

What political party do you belong to, Mr. Detrich?

A. I'm a Democrat.

Mr. Daly: Thank you. I have no further questions.

The Court: Anybody else? Any redirect?

### **Redirect Examination.**

By Mr. Riddle:

Q. Did Mr. Callanan ever tell you that you had to pay your regular dues and assessments? A. He did not. On regular dues and assessments, everybody has to pay that.

Q. No. My question is did Mr. Callanan ever tell you that you had to pay your regular dues and assessments? A. No, he never did tell me that.

[963] Q. Did Mr. Lawler ever tell you you had to pay your regular dues and assessments? A. No, sir.

Q. Did Mr. Seaton ever tell you you had to pay your regular dues and assessments? A. No, sir.

Q. Did anybody on the job, any of your foremen, ever tell you, have to tell you that? A. My regular dues and assessments—

Q. Answer my question, and then you can explain. Did anybody on the job, your foreman or superintendent, ever tell you you had to pay your regular dues and assessments? A. No, sir.

Q. You knew you had to pay them? A. Absolutely.

Q. And none of them ever told you you had to pay your dues or payments into the Voluntary Fund either, did they? A. No, sir. That's absolutely voluntary.

Q. Yes, sir. Well, now, sir, don't you voluntarily pay your regular bills? A. My regular bills is—dues is taken out of my check.

Q. Answer my question, if you would, please.

Mr. Daly: I think he did answer the question. He should be allowed to answer the question.

[964] The Court: I don't think it is an answer, so if he wants to make an explanation, he can make an explanation, but answer the question, Mr. Detrich.

The Witness: Well, the dues—

Q. (By Mr. Riddle) Let me rephrase the question. A. OK.

Q. Do you voluntarily pay your dues, regular dues and assessments? A. Yes, sir.

Q. All right. And you voluntarily pay into this Fund? A. That's correct.

Q. You voluntarily pay your light bill each week, month? A. That's right.

Q. You voluntarily pay your taxes? A. That's right.

Q. Yes, sir. You know what would happen if you didn't pay your light bill? A. Yes, I do.

Q. Your lights would be cut off? A. That's correct.

Q. You know what would happen if you didn't pay your water bill? Your water would be cut off? A. Same thing; that's right.

Q. You have never failed to pay it, have you? [965] A. No.

Q. And you have never failed to pay your Voluntary Fund payments either, have you? A. No, I haven't.

Q. Let me ask you, Mr. Detrich, what happens to you if you fail to pay your Voluntary Fund? A. Not a thing.

### **Recross Examination**

By Mr. Randall:

Q. May I ask a question? Mr. Detrich, do you have a copy of the By-Laws and Constitution of Local 562? A. Not with me; no, sir.

Q. Well, is that available to you? A. Yes, it is.

Q. And you have read it? A. I have.

Q. And in it you are aware of the fact if you do not pay your dues and assessments, you will be expelled from the Local. Doesn't it say that, sir? A. That's correct.

Q. And if you were expelled from the Local, you could not work, could you, sir? A. Not here, or anyplace else.

Q. And do all of the members of the Local have copies [966] of the By-Laws and Constitution of the Local? A. They do.

Mr. Randall: That is all.

Mr. Riddle: One more question.

The Court: All right.

#### **Redirect Examination.**

By Mr. Riddle:

Q. Sir, you never tried to find out what would happen if you didn't pay into the Fund, did you? A. No, sir, I did not.

Mr. Riddle: Yes, sir. That is all.

The Court: All right. Step down.

(Witness excused.)

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#### **EDWARD McREAKEN,**

being first duly sworn; testified in behalf of the Government as follows:

#### **Direct Examination:**

By Mr. Riddle:

Q. Your full name, sir? A. Edward M. McReakin.

Q. Sir, for whom are you employed? A. Crane Company; previously Midwest.

Mr. Daly: Your Honor, we can't make that out.

The Court: Crane Company, previously Midwest. Would [967] you speak into the microphone, sir?

Q. (By Mr. Riddle) Crane Company is a manufacturing business here in the St. Louis area? A. Yes, sir.

Q. Sir, how long have you been employed by the Crane Company? A. Twenty-eight years.

Q. Sir, what do they manufacture? A. Pipe; fittings.

Q. Pipe, fittings? A. Yes, sir.

The Court: You mean they manufacture pipe and fittings.

The Witness: They manufacture fittings from pipe and plate.

Q. Sir, are you a member of Pipefitters Local 562? A. The fabricators.

Q. Yes, sir. A. Affiliated.

Q. Is that a part of Local 562? A. Yes, sir.

Q. How long have you been a member of that Local? A. Since '41.

Q. Now, are you occupying, at the present time, an [968] official position with the Union? Do you have a job title? A. As a shop steward.

Q. Shop steward? A. Yes, sir.

Q. Now, are there several of you people who are generally referred to as metal tradesmen? A. Yes, sir.

Q. Working for Crane? A. Yes, sir.

Q. About how many? A. I would judge about a hundred twenty.

Q. Now, to your knowledge, are all hundred twenty of these people members of Local 562? A. Not all, sir.

Q. How many of them would you say? A. Well, I should say I suppose about ninety.

Q. About ninety of the hundred twenty? A. Yes, sir.

Q. Do you pay dues into Local 562? A. I do.

Q. What are your dues per month? A. \$4.00.

Q. Do you pay any assessments? A. No, sir.

[969] Q. You know what an assessment is, don't you? A. Yes, sir.

Q. What is an assessment? A. A collection aside from your regular dues.

Q. Yes, sir. Usually paid upon hours worked or gross income? A. Yes, sir, that would be an assessment.

Q. Do you understand an assessment as being a responsibility of members to pay? Do you understand that an assessment is a prerequisite to membership in an organization? A. No, sir, I don't understand it—

Q. Well, I don't think I have made my question clear, and I'll withdraw it. Sir, you say you just pay \$4.00 each month? A. Yes, sir.

Q. And that is all you pay into 562? A. That's right, sir.

Q. And you and your 119 or so, fellow workers down at Crane, do you work there on a permanent basis? A. Yes, sir.

Q. You don't move around from job to job? A. No.

Q. Sir, do you attend the meetings of Local 562? A. No, sir.

[970] Q. Have you ever attended a meeting? A. No, sir.

Q. Although you are a steward? A. Yes, sir.

Q. Do you get a notice of the meetings? A. Through Labor Tribune.

Q. No special notice written and mailed to you? A. No, sir.

Q. Do you have, as a member, the right to attend the meetings? A. Yes, sir, I understand I do.

Q. Right to vote at meetings? A. I would think so.

Q. Full rights, as all other members have? A. I suppose so. I have never attended. I don't know.

Q. Sir, have you ever been asked to pay into a voluntary political fund into 562? A. No, sir.

Q. Do you know of the existence of such a fund? I see in the paper. That's all I know.

Q. Has anybody out at Crane, the ninety or so, to your knowledge, have they ever been asked to contribute into this Voluntary Fund? A. No, sir.

[971] Q. Have you ever offered to pay? A. No, sir.

Q. To your knowledge, has any member of your organization or member of your crew, or people out there, ever offered to pay? A. No, sir, not to my knowledge.

Q. Have you ever seen anything that's called, or any card that's called a Voluntary Contribution Agreement? A. No, sir.

Q. Nobody ever gave you one? A. No, sir.

Q. Did you ever hear of an organization down at the union hall by the name of the Fund? Did you ever hear of an organization by that name? A. I read in the paper about it, but never mentioned to me.

Q. Sir, as a steward, do you act as a spokesman for your crew in dealing with the other people over in 562, or just what are your relations? A. With 562?

Q. Yes. A. I act as a steward for grievances there, and I have collected dues and assessments, and taken it out, or have sent it out to 562.

[972] Q. Yes, sir. Sir, do the representatives of 562 assist you in your bargaining? A. Yes, sir.

Q. Sir, to your knowledge, is there another group of metal tradesmen who are members of 562, who work for another manufacturing concern here in St. Louis? A. I think there is.

Q. Is that over at Hussmann Refrigerator? A. Yes, sir.

Q. They occupy the same position with 562 as you do?  
A. I suppose so. I really don't know.

Q. To your knowledge, has any member of your group, the ninety or so, ever made any political contributions to you, or contributions to you, or any other steward or representative of Local 562? A. Not to my knowledge.

Q. You didn't know it was possible to make a contribution over there? A. It never occurred to me, to be frank.

Mr. Riddle: That's all.

### Cross-Examination.

By Mr. Randall:

Q. Sir, are you familiar with the fact that there are three branches of pipefitters Local 562? [973] A. No, sir.

Q. You are not? A. Not three; no, sir.

Q. Well, now, there are two anyway. One is the building and construction trademen? A. Yes, sir.

Q. And the second is the metal trademen. You are familiar with that one? That is yours? A. That is the fabricators, I suppose you are referring to.

Q. And then the third one is the maintenance people down at the brewery? A. No.

Q. You didn't know about that? A. I know the fitters work, but I don't know what they do down there.

Q. I see. In other words, you have never attended the meetings and familiarized yourself with the Constitution and By-Laws of your local; am I correct on that? A. That's right. I haven't attended a meeting.

Q. Now, you say nobody ever asked you people down there to make any contributions to the Voluntary Fund? A. That's right.

Q. And you have never asked any of the people down there to do so? A. That's so.

Q. And what is your rate of pay down there, sir? A. \$3.39.

Q. \$3.39? A. Yes, sir.

Q. And the Local also has never made any assessment against you people down there? A. No, sir.

Q. The only thing you people have to pay is your \$4.00 per month dues? A. That's right.

Q. Which goes principally to the National Association; isn't that correct, sir? A. I think so.

Mr. Randall: That's all.

The Court: Anybody else? Any redirect?

Mr. Riddle: No.

The Court: All right. You may be excused. Step down.

(Witness excused.)

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The Court: We will have our afternoon recess. Members of the Jury, please bear in mind the admonition I have given you heretofore in all its details.

[975] (During the recess, Government's Exhibits Nos. 159 through 204 were marked by the reporter for the purpose of identification.)

(Following a brief recess, the further following proceedings were had before the jury:)

Mr. Riddle: If it please the Court, before the witness gets here, I believe that counsel for the defendant will stipulate in the event Pat Stieferman were here, she would testify that Government's Exhibits 166, 165, 163, 160 were records kept by the Voluntary Fund and in the regular course of business.

Mr. Randall: Yes, Your Honor.

The Court: All right.

Mr. Riddle: And based upon that stipulation, Your Honor, the Government asks these exhibits that I have just enumerated be received into evidence.

Mr. London: May we examine them, please?

Your Honor, may we incorporate in the record our objection to these Exhibits 160 through 166, both inclusive?

Mr. Riddle: They are not inclusive.

The Court: It is 160, and skips.

Mr. London: 160, 163, 165 and 166. The same objections that were made to Exhibits 89, 89A-1 and 89A through M.

The Court: Well, how can such an objection lie to a stipulation that these are made and kept in the ordinary course [976] of business?

Mr. London: May we approach the bench?

The Court: Make your objection. You started out there. Make it there.

Mr. London: The same objection also that was made to Exhibits 144 to 156.

The Court: Be overruled. You stipulated that these are business records of the Fund.

(Whereupon Government's Exhibits Nos. 160, 163, 165 and 166 were received in evidence.)

**VINCENT JAMES POLITO,**

being first duly sworn, testified in behalf of the Government as follows:

**Direct Examination.**

By Mr. Riddle:

Q. Sir, will you state your full name? A. Vincent James Polito.

Q. Now, are you a member of Pipefitters Local 562?  
A. Yes, sir.

Q. How long have you been a member of that Local?  
A. I'd say for the past seventeen years.

Q. Sir, during the past seventeen years, have you been a foreman? A. Yes, sir.

[977] Q. How many of those years? A. Off and on. Sometimes a small job, you are a foreman for a day, a week. Sometimes they are longer jobs and you are foreman for longer times.

The Court: Well, Mr. Polito, over what period of time in the last seventeen years? Has it been six years? Three years?

The Witness: Oh, I'd say in the last—I'd say within the last ten years.

Q. (By Mr. Riddle) Sir, referring to the job at Pilot Knob, Missouri— A. Yes, sir.

Q. Are you familiar with that project? A. Very familiar with it.

Q. Were you a foreman on that job? A. I was the general foreman on the job.

Q. And for what period of time? A. From the start of it to the completion.

Q. When was it started, and when was it completed?  
A. That is, like I say, I am not too familiar with the actual dates of the beginning of the job down there. As near as I can recall, it started in about '66.

Q. What month? Do you remember? A. No. I'd be lying if I told you what month. As near [978] as I can remember, it was in towards the fall.

Q. Fall of '66? A. Yes.

Q. When was it completed? A. About three months ago, sir, approximately.

Q. All right. Now, on this job, approximately how many people worked under your supervision? A. In the neighborhood of about a hundred twenty-five to a hundred thirty men.

Q. Sir, who assigned you to that job? A. Who assigned me to the job?

Q. Yes. A. Actually, my business agent.

Q. And who is he? A. Ed Steska.

Q. Sir, the people that worked under your supervision down there, do you know who assigned them to that job?

A. Well, they were actually men that were working for me that I had recommended for the different positions.

Q. Well, does this include the rank and file of the—

A. Oh, yes, that's rank and file men.

Q. You recommended, and they were signed in by the hall or by the business agent? A. Well, by both parties. Actually, the contractor was [979] well pleased with the men that we had picked for these jobs.

Q. Sir, on the job, just roughly what percentage of the men were from Local 562? A. I'd say approximately about half.

Q. About half of them from 562. And the others were from other locals around the country? A. Other locals; yes, sir.

Q. Now, in the fall, or I should say latter part of August, or early part of September of 1967, just about a year ago, did you have need for some additional pipefitters? A. Well, you always need pipefitters, sir.

Q. Well, at that time, did you have a greater need than normal? Did you make a request to have some additional pipefitters sent down to that job to work for you? A. I probably did.

Q. Well, to refresh your recollection, along about that time did you make a request for some additional pipe-

fitters, and a sizable number of them were sent in from San Francisco? A. I probably did.

Q. Well, I'm asking you if you did. Can you tell? A. I can't say that I asked for where they come from. I just put in a request for men.

Q. Yes, sir. Did you put in a request for some men? A. Yes, sir.

[1980] Q. And where did you put your request in to? A. First I put my request in to the company, and they told me to go ahead with the man power. Then I notified my business agent that I needed X-number of men, whatever the amount of men that I—

Q. All right. Your business agent was Ed Steska? A. Yes, sir.

Q. Did you tell him how many you needed? A. Told him as many as I could get at that particular time, if it is the time I was thinking about.

Q. At that time, were you hard pressed for additional pipefitters? A. Oh, yes.

Q. Really needed them? A. Always need pipefitters.

Q. Well, at that particular time, did you need them more than normal? A. Well, there are certain phases of a job that you have to go through, and there's times that you actually need more men than you do at the beginning of a job, and when you get to the point where this equipment starts coming in, why you need more men, and by talking that way, I think you are trying to confuse me. I'm trying to lay out how a job actually goes. When equipment comes on in, and there's pipe [1981] that has to be done, and you try to beat the weather, elements, and everything else, I probably needed everybody that I could possibly lay my hands on.

Q. And you told your business agent this? A. I didn't use those exact words; no, sir.

Q. All right, sir. Now then, at that time, did you get a number of men from the west coast, the San Francisco area? A. Yes, sir.

Q. And what would there be? About fifteen or twenty of them? A. I'd say in that neighborhood, sir.

Q. Twenty-one, to be exact? A. I couldn't give you—I never keep figures. I wouldn't know.

Q. Do you remember them by name? A. Well, earlier today up in your office, you had called off some, and there was names that I didn't remember, to be truthful about it; just prior to coming here. You had called off a bunch of names, and I remembered them, and I told you then that there was some of them that I didn't remember, and there was no sense in my lying to you then.

Q. And you are not going to lie to me now? A. I am not going to lie to you now.

Q. Let's go down the list. Bailey? [982] A. Bailey. Yes, he died.

Q. Bates? A. Bates.

Q. Brillhard? A. Brillhand.

Q. Does that mean you recognize the name, or you don't? A. I recognize the name, sir.

Q. Dittmah? A. Yes, sir.

Q. Fines? A. Yes, sir.

Q. Garcia? A. Yes, sir.

Q. Griffin? A. Yes, sir.

Q. Hall? A. Yes.

Q. Harrison? A. Yes.

Q. Hess? A. Yes.

Q. Jones? A. Jones was one I told you that I don't recall.

Q. All right. OK. Jones you don't recall? [983] A. No.

Q. McEvilly? Do you remember him? A. Yes, sir.

Q. He was one of them? A. Yes, sir.

Q. McGrath? A. Yes, sir.

Q. Ray? A. That was another one, like I say—

Q. You don't remember. Reed? A. Reed is another one that I wouldn't say yes or no on, because just like I say, I'm not sure. He probably was there, but I actually don't remember the name.

Q. What about Mr. Roach? A. Yes.

Q. Scarborough? A. Yes.

Q. Washington? A. Yes.

Q. I believe you said then Marva and George? A. Marva and George Washington; that's right.

Q. And Mr. Williams? A. Yes. There were two brothers. That was the reason.

Q. Now, sir, at the time that these boys all came in, [1984] do you recall whether or not you asked them to sign a Voluntary Contribution Agreement? A. I think I did.

Q. Well, I would like for you to tell the jury and the Court if you would, to the best of your recollection, whether or not you gave them a Voluntary Contribution Agreement? A. That, I wouldn't—I probably did. I would say yes, that probably I did give them one. And each and every man signed the Voluntary Agreement.

Q. All right, sir. A. When they went to work.

Q. All right, sir. A. With that there, I gave them the—

Q. Just a minute. Let me ask the questions, and you respond to them, sir. After they signed the—Well, we will strike that. Did they sign these cards before they went to work? A. I think they signed them with their W-4 forms. Normally when you do that there, I generally get the W-4 and the state forms, lay them for them, ex-

plain the voluntary situation to them, and the cards are left there. They will sign them, or they don't. Each and every man signed.

Q. Now, sir, on that job, were you the person that was collecting the money each week? [985] A. Yes, sir.

Q. You have been collecting it each week since the job began? A. Yes, sir.

Q. Do you recall if that collection was made on a Monday of each week? A. Sometimes on a Monday. Sometimes I had other duties that took me elsewhere. There were meetings that I had to hold with—

Q. Sir, if you will just answer the question, and then make any explanation you want. A. You talk about specifically every Monday. Is that what you—

Q. Well, yes. A. No.

Q. But generally it would be a Monday morning that you made the collections? A. Generally, yes.

Q. All right. Now, sir, between the time that you gave the cards out to these people from San Francisco and the next collection day, the next Monday— A. Um hmmm.

Q. —did you have occasion to hear any comments? A. Yes, I did.

[986] Q. From these people, about this Fund? A. I overheard a couple of them discussing the Fund. These here, they said they had their own obligations, which I told you previous that they had their own obligations to their local. These people here are boomers. They go from—

Q. Just tell the Court and jury—

Mr. Daly: I think the witness should be allowed to answer the question, and not be interrupted.

The Court: Well, Mr. Daly, he was asked a question what he heard, and he is explaining what they are.

The Witness: That's—

The Court: Now, just a minute. You answer the questions, and if there is any explanation necessary, you can make it after the answer. You answer the question.

The Witness: All right. Now, what was the question, sir, again?

Q. (By Mr. Riddle) Sir, you heard them commenting about this Voluntary Fund? A. Definitely.

Q. Now, sir, what comments did you hear them make about the Fund? A. Well, if I do that there, then he can't—I can't answer what—these people weren't interested in the Voluntary Fund.

[1987] Q. Is this what you heard them say? A. That's right. Due to the fact that they are not in any one spot at any particular time, and that's what I was trying to explain. These people are boomers. They work here today. If they hear a 712 job is opening in Hong Kong, they go to Hong Kong. They don't care about nothing. All they want is the money, and they have their own obligations to their local that they pay into their own dues and stuff like that there, out there where they are from, so with that there then, I called—

Q. Just a minute. Let me ask the questions, please.

Now, about what day of the week was it that you heard them commenting about the Fund? A. I think—You are asking a year ago. I'd say towards about the end of the week. It was close to about Thursday or Friday, or it could have been a Thursday or Friday, or it could have been a Saturday.

Q. Yes, sir. Now then, at the time that you heard them, did you hear them say anything about them not going to pay into the Fund? A. No, I did not.

Q. All right, sir. Now, sir, at that time that you heard them making these comments, did you tell them anything? A. No, sir.

[988] Q. All right, sir. Sir, did you tell them that they didn't have to pay into the Fund? A. I explained that.

Q. Sir, just answer the question. Did you tell them—

Mr. Daly: He isn't allowed to answer the question.

The Witness: They had to be.

The Court: Just a minute. Just answer the question. If you have an objection, state your objection in a proper manner. All right. Let's start over. Ask your question, and you answer. If you have an objection, make it.

Q. (By Mr. Riddle) Sir, my question to you was did you hear them say that they would not pay into the Fund?

A. I says, "No, sir."

Q. All right, sir. Now then, my next question was did you tell them whether or not they had to pay, or that they did not have to pay? A. I did not tell them. When I—

Q. Sir, just a second.

Mr. Daly: I object now, Your Honor, to Mr. Riddle interrupting the witness.

The Court: Now, he asked him a question, "Did you tell him that they had to pay or they did not have to pay?"

And he said, "I did not," and that's an answer.

The Witness: Wait a minute, Your Honor. At the [989]. beginning—

The Court: That's it. Do you have any other questions?

Mr. Riddle: Yes, Your Honor.

The Court: All right. Proceed.

Q. (By Mr. Riddle) Sir, after you—what was my last question?

The Court: The question was whether or not he said anything to him about whether or not they had to pay

or didn't have to pay, and he said he didn't say anything to them. Now, that's where the situation stands. Now, it is up to you to ask a question.

Q. (By Mr. Riddle) Sir, at that time, did you make a telephone call? A. Might I ask—

Q. Just a minute. Did you? A. Yes, I did.

Q. Who did you call? A. I called my director of the Voluntary Fund.

Q. Who is that? A. Lawrence Callanan.

Q. Did you have a conversation with him? A. I sure did.

Q. Over the telephone? [990] A. Yes.

Q. What did you say to him, and what did he say to you? A. I told him that I had heard several of these people discussing the Voluntary Fund, and he told me not to take any money from them.

Q. All right, sir. Did you go back and tell the fellows anything after that conversation? A. I did not. I refused to take their money.

Q. You refused to take their money? A. That is exactly right, sir.

Q. Did they offer you the money? A. Yes, they did.

Q. Now, did Mr. Callanan tell you anything as to— or give you any reason why you shouldn't take their money? A. Well, Mr. Callanan has got a lot more on his mind.

Q. No, sir. Did he tell you why you shouldn't take the money? A. I follow orders, like you do, sir. When he tells me not to take anything, I did not take anything from them.

Q. Even if they offered? A. That's right.

Q. Yes, sir. Now then, of the other hundred or so people that you had on your job down there, did each

one of them pay each week? [991] A. Yes, sir. Each week, sometimes no, sometimes yes.

Q. Sometimes they caught up from the past week? A. Sometimes.

Q. Was there any other person on the job down there that didn't pay you? A. Not that I can——

Q. Into the Fund? A. No, sir.

Q. Now, there were other people on the job, I believe you said, who were non-members of 562; or out-of-towners; is that correct? A. That's right.

Q. They all paid? A. Willingly, sir.

Q. Yes, sir. Now, over the past few years that you have been a foreman and a steward in a position of collecting money into this Fund, on any other occasion have you been told by Mr. Callanan not to accept money into this Fund? A. Not that I can recall, sir, because I tell you——

Q. All right. Go ahead. A. Because it is just like I say, I generally am out of the state the biggest part of the time. I generally have a small crew. They generally, mostly, are all members, or even with other people, but I have never, this is actually the first [992] time in my life that I've even heard anything about this.

Q. Sir, I'd like you to tell the Court and jury why you feel it was necessary to call this Voluntary payment proposition to Mr. Callanan's attention at that time? A. Well, it is just like I stated to you. He is the head. Now, if I would have went ahead and put down the sheet, which we—by this time everybody knows how the Voluntary Fund is collected, and if it wouldn't have been brought to his attention, who do you think would have got—he'd have thought I went south with the money. That would have been about the extent of it. He says, well——

Q. Is it fair to say that you didn't want to put in a sheet without collections on it without his permission?  
A. Oh, I wouldn't say that there. I just didn't want him to think that I wasn't collecting my Voluntary, or getting the Voluntary money and not being able to show where it went to.

Q. Sir, you call this Voluntary money? A. Yes, sir.

Q. Are you telling this jury and this Court that you couldn't refuse to accept Voluntary money on your own without checking with Mr. Callanan? Is that your testimony? A. I didn't—

Q. Are you telling this jury and this Court that you couldn't refuse to accept Voluntary payments without checking [993] first with Mr. Callanan? A. Oh, no, no, because if they didn't want to pay, they didn't have to. The only reason we went into it, because here we had men coming in, and I didn't know—it is just like I told you. This is the first time that a thing like this had ever happened, and I wanted to find out what to do, to be truthful about it.

Q. Sir, did you tell Mr. Callanan about this situation?  
A. Yes, sir.

Q. In order to keep yourself in his good graces? A. Not only in his good graces. He is still the director of our Voluntary Fund.

Q. And also an influential man in the Union? A. Well, he is the Union, to be truthful about it.

Mr. Riddle: Yes, sir. Thank you. That's all.

The Court: There will be some cross-examination.

The Witness: Oh.

### Cross-Examination.

By Mr. Randall:

Q. Mr. Polito, as I understand it, when you received this group of men you explained to them the manner

of the Voluntary Fund? A. That is exactly right. That is what I was trying to explain before, sir, when they wouldn't let me say it.

[994] Q. Well, I would like for you now to tell us what you did do, and what you said, please. A. These men were informed that this is strictly a voluntary contribution. Now, they can either sign it, they don't have to sign it, they can do whatever they want to with it.

Now, if they sign it, they pledge. If they don't, it is up to them. Now, these men knew that they were going in. Now, when you'd ask me if I went back when I had heard these men, and run up there and ask them why you didn't, no, I did not, because then they had already signed their card, they gave their pledge. I didn't know what to do, and I needed advice too, like anybody else does.

Q. As I understand it, after they had signed it, you overheard some comments from some of these people? A. That's right, sir.

Q. And those comments, would you tell us what those comments were? A. That they were drifters, to be truthful about it. They had no allegiance actually to the State of Missouri, or to this part of the country. They were just boomers, and they had their own obligations to their own locals.

Q. And having overheard these comments, despite the fact that they had signed the cards, you decided you would call [995] Mr. Callanan? A. Well, naturally, I needed advice. I didn't—

Q. And Mr. Callanan told you if there was any possibility that the people didn't want to volunteer the money, not to take it? A. Not to take it is correct.

Mr. Riddle: I will object to that. This is leading and suggestive.

Mr. Randall: Cross-examination.

Mr. Riddle: This is—Your Honor, this is an unusual situation. He is putting words—it is his testimony.

The Court: Well, I think that this is a member of 562, although I must admit the questioning has been leading and suggestive pretty much all the way through. He's already answered it. Let's get on.

Q. (By Mr. Randall) And, as I understand it, then thereafter you refused to accept any money from these people? A. Yes, sir.

Q. And did you say that some of them came to you and tried to offer you the money? A. Yes, sir.

Q. And you still refused to do it? A. Yes, sir.

Q. And how long did these men work on that job thereafter? [996] A. Until actually our down period when you—I'd say within a month or so of the completion of the job. Some of them, you know, you go down gradually as you come on down when the building is being built. I mean you actually come down with your manpower.

Q. Until—how long did it take to complete the job? What kind of a job was it? A. It was a mine job, sir.

Q. It was a what job? A. Mine. Iron ore for the Pellet Company.

Q. Now, sir, you have been with the Union seventeen years? A. I'd say approximately, sir. Really, I have been a union man for longer than that, but you asked me, they asked me a question of how long, and when I was in Local 562—

Q. Now, sir, during that period of time, the time that you acted as foreman, did you ever hear any other man express any thought that he didn't want to pay into the Voluntary Fund? A. Never in my life, sir.

Q. Now, sir, did you ever tell anyone that it was necessary to contribute to the Voluntary Fund in order to

work? A. No, sir. Because it is voluntary. That's the word.

Q. Did anyone ever tell you, including Mr. Callanan, and Mr. Lawler, and Mr. Seaton? [997] A. No, sir. It is voluntary. It's if I didn't want to pay, I wouldn't pay it.

Mr. Randall (To the reporter): Could I have this card marked, please?

(Thereupon Defendant Union Local 562's Exhibit I was marked by the reporter for the purpose of identification.)

Q. Mr. Polito, I hand you what has been marked Union Local 562's Exhibit I, and I'll ask you if that is the Voluntary Card which you signed? A. That is my signature on it.

Q. And what is the date of that card? A. Ninth month, tenth day and 68. That is yours. Oh, first month—January 11 of '63.

Q. Now, Mr. Polito, how long did that job—I don't know that I ever got it clear how long that job lasted in months, days, or what, out there? A. I think—I don't either, to be truthful about it. I'd be lying to you. I know it lasted well over a year. I was down there for quite sometime, actually, in the beginning, for Sheehan Company, and just went from one phase into the other.

Q. I see. And, Mr. Polito, are you Republican or Democrat? A. I am a Democrat.

[998] Mr. Daly: I have one question, Your Honor.

### **Cross-Examination.**

By Mr. Daly:

Q. Mr. Polito, you indicated that after these men had signed the card, you had this conversation with Mr. Callanan; is this correct? A. That's correct sir.

Q. And he told you not to accept the money? A. That's right, sir.

Q. Were these men put to work there on the job? A. Yes, they were working.

Q. How long did they work on that job? A. They worked all the way up within, some of them, I could use the expression but there is a lady in the house, and I won't use it. They get disgusted. It is just like I tell you here, they hear of other jobs, and they will go on.

Q. You say they worked all the way up til the end. How long was it till the end? A. Well, the end came, I think the job wound up about three months ago. Prior, about a month before that. Say four months ago, they were still working there.

Q. How long would that be? Would that be a year that they worked there? A. Oh, yes. I'd say in the neighborhood of a year.

[999] Mr. Daly: I have no further questions.

The Court: Redirect?

Mr. Riddle: Just one second, Your Honor.

### **Redirect Examination.**

By Mr. Riddle:

Q. Sir, you testified that in answer to one of Mr. Randall's questions, that this was voluntary? A. Um hmm.

Q. And if you didn't want to pay, you wouldn't pay? A. That's right.

Q. Now, you say you have been around this Union for about seventeen years? A. Longer than that, sir. I have been around this—

Q. And did you say Mr. Callanan was the Union? A. Well, when I say the Union, he is the head of the Union. He is, sir. He is my business manager as well. Now, I don't know that Mr. Callanan, when I have a little something I have to do, we have a staff of business agents. I don't go—I don't go to Mr. Lawler, who is our assistant business manager. When I call on the phone, I generally work under—that part of the country down through there, I generally work under Mr. Steska. If I have a problem and Mr. Steska isn't there, I have other business agents there that advise me on different things.

[1,000] Q. Yes, sir. Sir, have you ever tried to skip or pass a payment into this Fund? A. Well, that would be just like missing a collection in church too. I don't—

Q. Have you ever failed? A. Not to my knowledge, that I have ever skipped. I might have. If I did, it wasn't done intentionally.

Q. Yes, sir. Sir, who has the authority to make you a foreman? A. That there lies between several people.

Q. The Union has a very substantial part to play in that decision? A. Also, it could, too, sir. They have to have a mutual understanding on that. They are not going to get Joe Blow from out on the corner over there and say that here—they want a capable man that is going to do them a day's work, and see that they get a day's work.

Q. Sir, who could, in your opinion, reduce you from a general foreman to a journeyman? A. I could get fired tomorrow by Corrigan Company.

Q. What about by your Union? A. My Union? .

Q. Could he pull you in off the job? A. If I was negligent in my duties. If I was negligent [1,001] in my duties and if they didn't think that I was capable of handling that there job, no.

Q. They could pull you off? A. Oh, yes, sir.

Q. Sir, have you ever been short on paying your regular dues and assessments to the Union? A. No, because that there is something altogether different than the Voluntary.

Q. You have always voluntarily paid it too, haven't you? A. Yeah.

Q. You voluntarily pay both of them, don't you? A. No. One is a Voluntary Fund. The other is from my paycheck, sir.

Q. Sir, my question is, do you voluntarily pay into your assessment, into your regular dues? Do you voluntarily pay that? A. That there comes out of our check, sir, if that is what you are referring to.

Q. Yes. A. If you are referring to the other agreement, that I had my stamp taken out of—my money for the stamps taken out, that comes out of my check.

Q. That is paid by you voluntarily? Nobody forces you to pay that, do they? [1,002] A. It is taken out.

Mr. Riddle: That's all.

A. It is taken out by the company. That's what I am—

The Court: Any other cross-examination?

Mr. Randall: No, Your Honor.

The Court: Step down.

(Witness excused.)

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[1,011]

**EDWARD J. STESKA,**

having previously been sworn, testified as follows:

The Court: You have already been sworn?

The Witness: Yes.

**Direct Examination.**

By Mr. Riddle:

Q. Sir, you are the same E. Steska that previously appeared as a witness? A. I am.

Q. And just in case the record wasn't clear, are you an officer of Local 562? [1,012] A. I am. I'm the president of the Local.

Q. How long have you been president? A. Approximately eight years.

Q. Have you held any other office other than president for the eight-year period of time? A. Not an elected office; no, sir.

Q. Well, any other committee or executive position? A. I'm a business representative.

Q. Yes, sir. Sir, I ask you if you are familiar with this Voluntary Political Fund? A. Yes, sir.

Q. Now, sir, do you know what was being paid into that Fund by members of Local 562 on January the 1st, 1963? How much per day for an eight-hour day worked? A. I believe it was 50 cents per day.

Q. And on or about that date, was there an increase in the amount paid into that Fund? A. On what date now?

Q. January 1st, 1963? A. No, sir, not January 1st, 1963.

Q. Well, was there an increase thereabouts up to \$1.00 per day? A. It's possible; yes.

Q. Sir, by "it's possible," what— A. We started.

[1,013] Q. Sir? A. Yes, sir.

Q. You were starting to answer the question or say something. A. Well, it doesn't make any difference.

Q. All right.

(Thereupon, Government's Exhibits Nos. 208 and 209 were marked by the reporter for the purpose of identification.)

Q. I will show you what's been marked Government's Exhibits 208 and 209, and ask you to examine them and see if that refreshes your recollection as to what the rate was of payment into that Fund in January of 1963? A. In January of '19—week ending January 6th, at that time it was still 50 cents per day.

Q. All right, sir. A. The following week, week ending January 13, 1963, is when the increase went into effect.

Q. And the increase at that time was up to what amount? A. From 50 cents to \$1.00.

Q. All right, sir. Sir, how long did the amount of \$1.00 stay in force and effect, up until what date? A. I don't recall the exact date. It would have probably been some time later that year.

Q. I am talking about the payments into the so-called Voluntary Fund now. [1,014] A. I don't recall the exact date.

Q. Well, sir, to refresh your recollection, do you recall that there was a change from that \$1.00 per eight hours worked per day, on or about January 1st of '19 and '66, when it was decreased to 50 cents per day? A. I recall it decreased, but I don't know exactly what date it was. There was a decrease in the contributions into the Voluntary Fund.

Q. Well, was this on or about January of '19 and '66? A. It would have been approximately that same time period.

Q. And was it about the same time that the rate of the assessments, the regular Union assessments, increased? A. I believe approximately the same period.

Q. And the period you are talking about would have been in January of '66? A. Yes, sir.

Q. All right, sir. Now then, since January of '66 has there been a change in the rate, namely 50 cents per day for an 8-hour day worked? A. No, sir.

Q. Sir, I will show you what has been marked as Government's Exhibit No. 205, being a chart that has been prepared, and ask you if this chart, with the graphs that appear on it, accurately and fairly represent the dates and [1,015] the amounts paid into the Pipefitters Voluntary Fund for regular 562 members? A. Yes, it appears to be fairly accurate.

Q. And is it accurate of your testimony? A. Yes, to the best of my ability, it is fairly accurate.

Mr. Riddle: All right. With that, Your Honor, the Government offers into evidence it's Exhibit 205, and asks that it be received.

Mr. Randall: May I look at it?

The Court: Yes.

(Mr. Riddle showed Exhibit to defense counsel.)

Mr. London: May we approach the bench for a moment?

(Thereupon the following colloquy ensued among the Court and counsel, at the bench, out of the hearing of the jury:)

Mr. Daly: We will object to the introduction of this exhibit, Your Honor, for the reason that in the middle of the exhibit, which is a graph, the Government has written in the words "Daily Payments," and we don't feel, by the

evidence, that these were payments as such, and we don't feel there has been a proper foundation for the question.

The Court: In what respect has there been a proper foundation?

Mr. Riddle: The man has testified what the payments [1,016] were per day for eight hours' work by regular members of Local 562. His testimony has been specific on that.

Mr. London: As I recall his testimony, he was rather vague about when the change did occur.

The Court: Mr. London, he was just this vague, that he said and was asked if it was increased about January 1st, 1963, and he said, "Well, I know there was an increase," and he was shown two exhibits, and he said, "Yes, that's about right," and then he was asked if it was decreased about January 1st, 1966, and he said, "Yes, to the best of my memory, it was decreased to 50 cents on January 1st, 1966."

That is not being very indefinite.

Mr. London: It is irrelevant and immaterial, as far as any of the defendants are concerned. There has been no showing that this exhibit is in any way connected with any of the defendants.

The Court: The purpose of the exhibit is to show what the evidence has been.

Mr. Riddle: Yes.

The Court: The objection will be overruled.

(Whereupon Government's Exhibit No. 205 was received in evidence.)

(Thereupon the trial was resumed before the jury as follows:)

[1,017] (Exhibit was placed upon an easel.)

Q. (By Mr. Riddle) Now, sir, again referring your attention to the payments into the allegedly Voluntary Fund, or Pipefitters Voluntary Fund,—

Mr. Daly: I will object, Your Honor. Improper question, leading and suggestive.

Mr. Riddle: I haven't even completed it, Your Honor.

The Court: Well, the only objectionable thing that I have seen so far is, of course, the inclusion of the word "allegedly".

Mr. Riddle: All right, sir.

Q. (By Mr. Riddle) Sir, again directing your attention to payments into the Voluntary Fund,— A. Mr. Riddle, could I—

Q. And with particularity, the payments into the Fund of non-562 members, that is, out-of-town members, sir, do you know what the rate of that payment for an eight-hour day was from January 1, 1963, up until October 12th of 19 and 63? A. Well, first, Mr. Riddle, I'd like to correct my statement. We talked about payments. These were contributions that were voted on by the entire group of people who were contributors to those. They were not payments as such. They were contributions.

Q. Just a second: I am talking about the monies [1,018] received. My question to you, sir, is was the amount of contributions, if you want to call it that, or the amount of money received from out-of-towners, at the rate of \$1.50 a day from January 1, 1963, up until on or about October 12, 1963? A. Mr. Riddle, I'd like to refresh my memory. I know you have the records there; and I'd like to take a look at them to verify that.

Q. All right, sir.

(Thereupon, Government's Exhibits Nos. 210 and 211 were marked by the reporter for the purpose of identification.)

Q. I will hand you what has been marked Government's Exhibits 210 and 211, and ask you to examine them and see if they refresh your memory? A. Yes, sir.

Q. Do they refresh your memory as to what the rate was from January 1, '63, up to October 12, 1963? A. Well, I don't know what the period was up to October 12, but this contribution report here was ending, the week ending the 20th and 27th. At that time, it was a dollar per day. They voted on a contribution of a dollar per day.

Q. I am talking about the out-of-towners, sir. At that same period of time, the other than local members of 562 were a dollar fifty cents per day.

[1,019] Q. All right. That's \$1.50 per day for out-of-towners from January 1, '63, to October 12, '63, was \$1.50 per day for an eight-hour day worked? A. Well, this was October 20th, so it would have been at least some time beyond October 12th. The report here is October 20.

Q. So it would be up until about the middle or so of October? A. Well, all I have got is the report of October 20th, and so it would have been somewhere in that period.

Q. Between the 12th and the 20th? A. Well, as of the week ending the 20th, it was still, the contributions were \$1.50 per day on this report.

Q. Sir, beginning on or about October, somewhere between the 15th and the 20th, did the payments from out-of-towners, you say voluntarily paid, increase to about \$2.00 per eight hours a day worked? A. There was an increase; yes, sir.

Q. Up to \$2.00? A. I believe that was the amount they voted on; yes, sir.

Q. And prior to that, it was \$1.50 a day? A. Well, yes, sir. The contributions prior to that were \$1.50 per day.

[1,020] Q. All right. From January of '63 up until October, between the 12th and the 20th, of 1963 was \$1.50 per eight-hour day? A. That's right.

Q. And at that time it was raised, the contributions were raised to \$2.00 per day for eight hours worked. A. That's correct.

Q. All right, sir. I'll hand you what has been heretofore marked as Government's Exhibit 206, being a charted graph that has previously been prepared, and ask if this graph or this chart, an exhibit, accurately portrays and represents your testimony as to the rate of pay for out-of-towners into the Pipefitters Voluntary Fund? A. Yes, sir, that was the contributions—I object to the word paid. I mean there was no payment involved. It was contributions.

Q. All right, sir. But are these the correct dates? A. The figures, I would say, are fairly accurate.

Q. Fairly accurate? A. Well, we still haven't determined what part of October this went into effect, but it was in that period of time.

Q. All right, sir. Otherwise, except for knowing the exact date in October, it is accurate? [1,021] A. Yes, sir.

Q. All right, sir.

With that, Your Honor, the Government offers into evidence its Exhibit No. 206, and asks that it be received.

Mr. London: May we just renew the same objection as made to 205, please?

The Court: The objection will be noted in the record. It will be overruled, and the exhibit will be received.

(Whereupon, Government's Exhibit No. 206 was received in evidence.)

Q. (By Mr. Riddle) Now, sir, with respect to the regular dues and assessments paid into your Local 562, what was the rate that was in effect on January 1 of 1963? What was a regular member of 562 paying into your Union as dues on January 1st, 1963? A. I believe it was prior to our checkoff system.

Q. Well, sir, to refresh your recollection, was it a straight 50 cents a day prior to the checkoff system? A. It was an amount of money per hour, per eight hours. If at all possible, I'd like to refresh my memory if I am accurate here. If you have those records, I'd like to take a look at them.

Q. Very well, sir. Do you recall, of your own [1,022] knowledge, what the rate was prior to the settlement of the strike when an assessment went into effect? Was it not 50 cents a day? A. I believe it was; yes.

Q. All right, sir. (It was 50 cents a day up until what time? A. Up until the conclusion of our contract, and we negotiated a new contract in 1963, and I would say approximately sometime in the beginning of October, 1963, our checkoff system went into effect.)

Q. All right, sir. A. For members of Local Union 562.

Q. Then about October 1, 1963? A. Yes, sir. That pay period which fell in that first week in there.

Q. And this 50 cents a day that had theretofore been in effect was changed, and it increased, and instead an assessment became in effect? A. That's correct.

Q. And the assessment at that time that was placed in effect was two and one-half per cent of the gross wages? A. That's correct.

Q. Per day? A. Per day. Per 8-hour day.

Q. All right, sir. [1,023] A. Or per gross day, rather. It was based on the gross pay. Two and a half per cent.

Q. Two and a half per cent? A. Yes, sir.

Q. All right, sir. Now, based upon—strike that question. This two and a half per cent assessment stayed into effect for a considerable period of time, did it not? A. Yes, sir. I don't recall exactly how long, but it was, on for a period of time.

Q. All right, sir. For at least a year and a half, or more? A. Pretty close to it; yes.

Q. Yes, sir. Now, based upon an assessment of two and a half per cent, a regular journeyman working on a St. Louis job for a forty-hour day—

The Court: Forty-hour week.

Q. Forty-hour week. Excuse me, Your Honor—Would make a payment of how much per day? A. Well, it would be based on his wages per day, because it was two and a half per cent of his gross pay.

Q. Yes, sir.

(Thereupon, Government's Exhibit No. 212 was marked by the reporter for the purpose of identification.)

Q. I will hand you, sir, what's been marked Government's [1,024] Exhibit 212, and ask you to examine it and see if that will refresh your recollection as to what the payment per day would be for a regular journeyman member working on a St. Louis job for a 40-hour week? How much would it be per day? A. This is broken down per week here on the report.

Q. All right. How much would it be per week? A. Based on the journeyman's wage rate, which at that time—this is the payroll period ending December 8, 1963—the journeyman wage rate at that time was four dollars seventy-two and a half cents on a 40-hour week, his gross wages were \$189, and his assessments to the local union was \$4.73.

Q. Now, sir, \$4.73 per week would amount to approximately 95 cents per 8-hour day, would it not? A. Yes, sir, that would be fairly close.

Q. All right, sir. Now, this is still on the basis of a regular journeyman working on a St. Louis job and for a 40-hour week. That rate stayed in effect for how long a period of time? A. Well, like we discussed before, I would say approximately a year, or beyond a year.

Q. Now, sir, did that change in the assessment change on about January 1st of 1966? A. Yes, I believe it did. [1,025] Q. And the rate of assessment at that time was increased? A. That's correct.

Q. And it was increased to what percentage? A. It was voted on a meeting to increase from two and a half per cent to three and three-quarters per cent.

Q. I see. Now, sir, again, based upon the assessment rate of three and three-quarters per cent for a regular journeyman working on a St. Louis job for a 40-hour week, that person's assessments would amount to how much per day or per week? A. Well, there, again, it would be based on the three and three-quarters per cent of his gross pay.

(Thereupon Government's Exhibit No. 213 was marked by the reporter for the purpose of identification.)

Q. I will show you what has been marked as Government's Exhibit 213, and ask you to examine it and see if you can tell by looking at it how much per week such a journeyman would be paying as assessments into your local? A. Right. This is the payroll period ending January 7, 1966, at which time the hourly pay rate had been increased from four dollars and seventy-two and a half cents to four dollars and eighty-two and a half cents, based on the negotiations of our new contract, so that the wage scale being four dollars and eighty-two and a half,

and the three and three-quarters [1,026] per cent of our working assessment being in effect, the assessment for a 40-hour week would amount to \$7.39.

Q. \$7.39? A. Yes, sir.

Q. Per week? A. Per week, based on forty hours.

Q. Now, per day, that would amount to approximately \$1.48? A. Yes, sir.

Q. Now, that rate of assessment that went into effect in January of 1966, has remained since that date, has it not?  
A. Yes, sir. The three and three-quarters per cent is still in effect.

Q. All right. I will now hand you what has been marked Government's Exhibit 207, and ask you to examine it and observe it, and tell the Court and jury whether or not it accurately and fairly represents the testimony you have just given with respect to the amount of assessments charged by your Union and paid into your Union Fund?  
A. By Local 562 members?

Q. Yes. A. Yes, sir. It appears to me to be very accurate there.

Q. All right, sir.

Your Honor, the Government will offer into evidence [1,027] its Exhibit 207, and ask that it be received.

Mr. London: May the record show, Your Honor, renewal of the same objections as made to Exhibits 205 and 206? May I see that one a minute, Mr. Riddle?

May I have just one minute, please?

(Mr. London conferred with other defense counsel.)

Mr. Riddle: Has it been received into evidence, Your Honor?

The Court: He hasn't concluded his objection.

Mr. London: Your Honor, could the Court withhold the ruling on this until we have a chance to ask the witness certain questions to determine whether or not this information is, in fact, accurate?

Mr. Riddle: The witness has said it is accurate.

The Court: He said that it is accurate. He just got through saying it.

Mr. London: Well, there are certain areas that we would like to interrogate relating to this chart.

The Court: Well, I don't know what it would be. Obviously your other objection don't go to this, because this is assessments on dues, on wages for dues. It has nothing to do with the Voluntary Fund at all.

Mr. London: I understand.

The Court: So your objection to the words "Daily [1,028] Payments," wouldn't be valid, in the Court's opinion. Now, if you have any objection, make it, because it is being offered now.

Mr. London: What we wanted to inquire into is whether the amount of the hourly pay scale has remained the same all the way through the time indicated on that chart, or as to whether or not three and three-quarters per cent would amount to a higher figure. This is the point we would like to establish.

The Court: Well, the last time you asked him about the pay scale, as I recall his testimony—and I don't know—it was \$4.92. Was that your last testimony?

The Witness: Yes, Your Honor. Four dollars ninety-two and a half, with the record we just looked at.

The Court: Is it the same now? Is that what you are—

The Witness: No, sir. It has increased.

Mr. London: This is the point, Your Honor.

The Court: It is five what?

The Witness: Five dollars and sixty cents now.

The Court: OK.

Mr. London: I think, from that information, that this chart wouldn't reflect that information.

Mr. Riddle: Your Honor, I can ask the witness just one clarifying question, and I think that would answer it. [1,029] The increase in the pay scale would only change the per day payments a penny or two? A. Well, Mr. Riddle, what it would reflect is an overall, because it is based on three and three-quarters per cent of gross pay. Now, since it is four dollars and ninety-two and a half, which was in effect on the records that I examined, since that time, based on our new contract, we are now up to \$5.60 per hour, which we can figure out what three and three-quarters per cent of that would be, and we can get what it would be here, today.

Q. But the change wouldn't be over five cents? A. It would be minimal, based on that, but it would be an amount greater than what we had there, which is true.

Mr. Riddle: Your Honor, in view of that just minimal, still we ask that the exhibit be received.

The Court: It is twenty-one cents, I believe, on an hour at three and three-quarters, isn't it, Mr. Steska?

The Witness: I really didn't figure it out. If we get into mathematics, we can get it right down to a fraction.

The Court: \$1.68 as against—

Mr. Riddle: I have here \$1.50.

The Court: Yes.

Mr. Riddle: It is not being offered for proof of the exact amount, but it is in the area of \$1.50, and I [1,030] believe the witness will so testify.

The Court: All right. It will be received.

(Whereupon Government's Exhibit No. 207 was received in evidence.)

Mr. Riddle: Sir, the Government has nothing—Just a second. The Government has no further questions of this witness.

The Court: All right.

Mr. Randall: Your Honor, we would like to request the grand jury testimony of the witness.

The Court: OK.

Mr. Randall: Your Honor, his testimony is fifty pages long, and if the other attorneys will look at it, I will go ahead and examine if that is all right.

The Court: All right.

### Cross-Examination.

By Mr. Randall:

Q. Mr. Steska, you said you were familiar with the Voluntary Fund. Were there meetings held of the Voluntary Fund? A. Yes, there were. There were quite a number of meetings held, periodically.

Q. And were notices sent out? A. Yes, sir.

Mr. Riddle: If it please the Court, this is beyond [1,031] the scope of the direct. This witness was questioned only about rates and payments.

Mr. Randall: Your Honor, what I am getting into is establishment of these rates at the meetings. That is exactly what we are talking about.

The Court: OK.

Q. (By Mr. Randall) Were notices sent out to the members who were contributing to the Fund? A. Yes, sir, they were.

Q. And on these dates that these rates were changed, of the Fund, that is, were the members of Local—looking over here at this one chart—

The Court: I think that is 205.

Mr. Randall: 205, where the members dropped from \$1.00 to 50 cents; and over here where the people who were not members of the local went up from \$1.50 to \$2.00, were meetings held and a vote was taken to determine those changes? A. Absolutely.

Q. And were the notices sent; not only to the members of the Local who were contributing to the Fund, but also to the people who were non-members who were contributing? A. That's correct. To the best of our ability, we tried to get everyone who was a contributor to the Voluntary Fund at these meetings.

[1,032] Q. And were there discussions of the matter, and explanations made at that time? A. Yes, sir, there were.

Q. And, Mr. Riddle has another chart—Where is that other chart?

(Mr. Randall secured chart.)

The Court: That is marked on the side, 207.

Q. (By Mr. Randall) This chart 207 relates to changes in the assessments of the members; is that not true? A. That's correct.

Q. And was it explained to the members of the Fund who were meeting that there were these changes taking place in the assessments of the members? A. Yes, sir.

Q. And was it concluded by the members of the Fund that they would change the rate of the contributions to the Fund by the non-members of the Local in relation somewhat to the assessment?

Mr. Riddle: Please, just a minute. Please the Court. Conclusions; would be an improper phrasing of the question. Whatever happened, a matter of minutes would be the best evidence of that.

The Court: Whatever happened, what?

Mr. Riddle: I say whatever happened, the minutes [1,033] of the meeting would be the best evidence of that. This man is the president of the Local. He is their own witness. The president of one of the defendants in the case. I think any leading and suggestive questions of this witness would be improper.

Mr. Randall: Well, Your Honor, of course he was present—Were you present at the meetings?

The Witness: Yes, sir.

Mr. Randall: He was present, and their minutes don't reflect everything. I am perfectly happy to ask the question in a non-leading manner, if that is—

The Court: Well, I think in view of his position with 562, that even though he's been put on by the Government, I don't think you ought to lead him.

Mr. Randall: All right.

Q. (By Mr. Randall) Now, what was said at these meetings with respect to proposed changes in the contributions to the Voluntary Fund, both by members of the Local and by those people who were not members of the Local, that were working under your jurisdiction?

Mr. Riddle: Please the Court. I want to object to that unless he specifies who said what. Saying what was said

at the meetings by this witness would be calling for a conclusion, giving a roving commission.

[1,034] The Court: I will sustain the objection.

Q. (By Mr. Randall) Well, do you recall who made speeches at these particular meetings, sir? Can you— A. The Director of the Voluntary Fund made many speeches. I don't recall any of the contributors by name, although there was much discussion at the meetings pertaining to the increases.

Mr. Riddle: If the Court please, that is not responsive to the question, and I ask it be stricken.

The Court: All right. It will be sustained. Just answer the question, Mr. Steska.

Q. (By Mr. Randall) Well, Mr. Steska, can you recall the people who spoke either from the floor or from the platform at the meeting that occurred prior to the changes that took place in the contributions to the Voluntary Fund? Can you recall all of them? A. Not all of them. I can recall myself. I spoke there.

Q. You spoke? A. Yes, sir.

Q. All right. Can you recall anyone else that spoke? A. The Director of the Fund, Mr. Lawler.

Q. Mr. Lawler. Can you recall anyone else who spoke? A. Not offhand I can't.

Q. Do you recall any non-members who spoke at some of those meetings? [1,035] A. Yes, sir, there were some, but I can't recall their names specifically, but there were a lot of discussions by a lot of people, both members of 562 and non-members of 562.

Q. All right. Now, can you recall what any specific person said? Can you recall what you said, or what Mr. Law-

ler said, specifically? A. Well, I probably couldn't give it to you verbatim, but I could give you the feeling that was discussed, what we actually talked about.

Mr. Riddle: I object to the feeling.

The Court: Well, that would be a conclusion or a summary, and I think would be objectionable. I would sustain the objection to that.

Q. Well, can you recall the substance of anything you said? Let's start with you. A. Yes, sir.

Q. All right. Now, would you then relate the substance of what you said? A. We discussed the increases—I discussed the increases of the—

Mr. Riddle: Please the Court, I want to object to what he discussed. He can state, I believe, in substance what he said, but not summarize it or conclude it.

The Court: Mr. Steska, the question was, "Do you [1,036] recall what you said?" Your opening comments, "We discussed—" Now, that is objectionable, and you are directed to answer the question, "What did you say?"

The Witness: Your Honor, I'll try to get it out the best way I can.

I said that with the increase in the work assessments going from two and a half per cent to three and three-quarters per cent would actually have the payments into the Union on our dues structure and our work day assessment increased considerably over and above what we had been paying, and that I felt, as a member and a contributor to the Voluntary Fund, that we may be able to make some kind of an equalization there where our group of people would be contributing into the Voluntary Fund on a voluntary basis, and the people who were actually not members of the Union would be in reality paying a considerable amount less than we would.

Q. All right. And then after the speeches were made, was a vote taken as to with respect to changing the amount contributed by the members? A. Yes, there was a vote taken.

Q. All right. Now, do you recall how that vote was taken? A. I believe it was taken by secret ballot, if I am not mistaken. Almost all of our votes at the Voluntary meeting [1,037] were taken by secret ballot?

Q. Do you recall the result of that vote? A. Yes, sir.

Q. And what was the result? A. It was in favor of decreasing the contributions by Local 562 and increasing the contributions of non-members of Local 562.

Q. Now, the term has been used "out-of-towners." Were all of these non-members out-of-towners? A. You say out-of-towners?

Q. Yes. The people who were not working under the jurisdiction of 562 who were not members of 562, were they all from out of the city?

The Court: Wait a minute. Do you want to start that over?

Mr. Randall: I am sorry, Your Honor.

The Court: You don't have to be sorry, but it just doesn't admit of an answer.

Q. (By Mr. Randall) Were there people working under the jurisdiction of 562 who lived in the City of St. Louis, who were not members of 562? A. We have many people who are referred to in your terminology "out-of-towners," who actually have resided in St. Louis and the St. Louis area all their lives.

[1,038] Q. Are some of them members of other unions? A. Yes, sir, some members of Boilermakers Union here, the Ironworkers Union, the Carpenters, the Plumbers. At

times we have had people from practically every union in the area working as pipefitters.

Q. I see. Now, the increase that took place in the assessments to the members of Local 562 in your new contract, new contract as of October 1, 1963, did those assessments apply to all the members of Local 562? A. Yes, sir.

Q. Well, did they apply to all the trades that you have? Did they apply to, specifically, to the metal trades? A. No, sir. We are talking about the building and construction trades branch of Local 562 and they are the only ones that participate in this contract. It is a building and construction trades contract. When you mention metal trades, that is negotiated on a separate basis.

Q. I see. How many branches do you have in Local 562? A. Ours is a combination local. We have building and construction trades branch, and the metal trades branch, and we have maintenance pipefitters employed by Anheuser-Busch brewery, which, again, is a separate contract.

Q. Does your assessment that we are talking about here apply to the maintenance people down at the brewery? [1,039] A. Yes, sir, they do.

Q. But it does not apply to the metal trades people? A. No, sir, it does not.

Q. And do you hold, when you have meetings of the branches, I mean of your local, do all branches meet at the same time, or do you have separate meetings for branches? A. We usually have separate meetings for the metal trades group, but the maintenance pipefitters from Anheuser-Busch are part of our regular meetings.

Mr. Randall: I see. I believe that is all I have, Your Honor.

The Court: Anybody else?

Mr. London: One point, Your Honor.

**Cross-Examination.**

By Mr. London:

Q. Mr. Steska, with regard to Exhibit 207, regarding the wage scale—— A. Could I see that?

(Mr. Randall secured the exhibit.)

Q. For the record, Mr. Steska, that is based on an hourly wage rate of \$4.95 an hour, I believe you said? A. I believe there has been a change.

Q. Four dollars ninety-two and a half cents an hour; is that what your testimony was, sir? [1,040] A. Yes.

Q. And the present wage rate is five dollars and sixty-seven and a half cents an hour? A. \$5.60.

Q. So if that chart were carried to its complete conclusion of taking three and three-quarters per cent of the present gross pay, it would be a figure of approximately \$1.68 rather than \$1.48 that is indicated on that chart; is that correct, sir? A. That's right, if you figured three and three-quarters per cent of the present wage scale, it would be increased.

Q. And the members of your union, sir, in addition to receiving \$5.60 an hour, receive certain payments per hour in welfare benefits, do they not, sir? A. Yes, sir, they do.

Q. Do you know what figure is per hour? A. At the present time, it is two dollars seventeen and a half cents.

Q. So that the total compensation of your members, if you add the \$5.60 and \$2.17 is \$7.77 an hour for your members; is that correct, sir? A. That's correct.

Q. And if, sir, you were to include in this chart the daily payments and dues and assessments on behalf of the [1,041] four hundred foremen who are members of your Union, and some fifty area foremen, that would again have

to change that chart, in view of the fact that they receive a higher pay scale? A. Slightly. We have general foremen who are higher than the area foremen.

Q. Let's take foremen first. What do they receive as an increase over the regular journeymen? A. Fifty cents per hour over the journeyman rate.

Q. And the area foremen, what do they receive? A. Seventy-five cents over the hourly rate of the journeymen.

Q. And your general foremen? A. One dollar per hour over the journeyman rate.

Q. And all of these figures would have to be taken into consideration in computing the three and three-quarters per cent of the assessments, as that chart would indicate? A. It would.

Q. And that would substantially increase the amount that is paid in in dues and assessments per day; isn't that correct, sir? A. That's right.

Mr. Randall: That is all, sir. Thank you.

I'd like at this time, Your Honor, to renew the [1,042] objection to Exhibit 207.

The Court: Same ruling.

### **Redirect Examination.**

By Mr. Riddle:

Q. Sir, Mr. Randall asked you about the meeting that occurred on or about October 15th of '63. Was the meeting — A. Yes, sir.

Q. — was the meeting which you referred to, at which you spoke; and which you testified to in substance as to what you said, was this meeting somewhere along about the first week or two of October of 1963? A. It would have been sometime prior to that, I would imagine. We have

probably the exact date of the meetings, because they were sent out written notices, so if we have to tie the exact date down, I am sure that could be done. I don't recall the exact date, but it would have had to have been prior to that.

Q. You said at this meeting it was decided that because of the increase in assessments by the regular journeymen that you thought that the out-of-towners should pay more. Was this your testimony? A. No, sir. I didn't think that the out-of-towners should pay more.

Q. Well, what was your testimony? [1,043] A. I felt that the contributions probably by the local people, and there, again, that was only my thought as a contributor to the Fund, could possibly be reduced. But this was all put up to the entire body there. They were the ones that voted on the decreasing. This was only a suggestion of mine as a contributor to the Fund.

Q. Well, I'm talking about the specific discussion of an increase in the Pipefitters Voluntary Fund of out-of-towners, you say occurred about the middle of October '63. A. All right.

Q. Was that increase discussed at the meeting that you are referring to? A. Yes, sir. It would have had to have been, because the increase went into effect there, and the total amount of contributors at the meeting were the ones that voted on the increased contributions and also on the decreased contributions, so everything would have taken place by vote at that meeting.

Q. And at that meeting was the increase voted in on the regular assessments, as indicated in the exhibit over here? A. Oh, no, sir. This is a union meeting here. That had nothing to do with the Voluntary Fund meeting. We never had joint meetings at all. Everything was completely separate.

Q. You weren't an officer in the Voluntary Fund? A. No, sir. But I was a contributor, and felt I had a [1,044] voice in any discussion that went on, as a contributor.

Q. Did anybody talk besides you as president of the Union and Mr. Lawler as general manager of the Union?

A. Yes, sir, Mr. Riddle, but we were asked to be specific as to who they were, and offhand I can't recall them by name, because there was a lot of discussion at our Voluntary Fund meetings, and to pinpoint names at this time, I just couldn't do it. I don't recall who they were, specifically.

Q. Well, was one of the considerations that, because your regular members indicated over there in the chart to your left, were paying more, namely, a dollar a day more in October '63, that that should have some bearing on what the out-of-towners should pay into the Voluntary Fund? A. Should have some bearing as to what they should pay? Well, we are talking about contributions now. It just so happens that there is a parallel drawn in here.

Q. Yes, sir. A. The contributions are based on voluntary, or members wanting to voluntarily contribute, and other people wanting to voluntarily contribute, not based on any wage scale, or anything like that. It just so happened that a parallel has been drawn through here, and we keep going back that there is a synonym drawn there, and we don't have that.

Q. Yes, sir. In speaking of this parallel, on January [1,045] 1st of 1966, your regular members had a decrease in their voluntary contributions from \$1.00 to 50 cents a day on about January 1st, 1966? A. Yes, sir.

Q. Now, then, on or about January 1st, 1966, the daily payments from assessments into the Union were increased almost precisely the same amount, weren't they?

A. Yes, sir; fairly close.

Q. So that the individual union members would be paying at the end of this month, January of '63, or '66, rather, he would be paying the same amount of money? A. He would probably be paying more. The member of 562 would be paying more than non-members.

Q. But this parallel you are talking to, or talking about, would indicate, I believe, sir, that this increase in assessment into the Union was offset by a decrease in exactly the same amount into the Voluntary Fund? A. But also, Mr. Riddle, you can see that progressively now it has increased, and there has been no increases in the voluntary contributions by either members or non-members.

Q. You say it was progressively increased? A. That's right.

Q. But the assessment hasn't increased? A. No. The percentage has remained the same, but the [1,046] wages have increased.

Q. But this line would go up just slight above \$1.50, maybe one sixty-five? A. I believe someone had it figured here, it was \$1.67, or something like that.

Q. Yes, sir. You say these decisions were made at the union hall? A. Not at the union hall, no, sir. When I say at meetings, the meetings have taken place at the Electricians' hall, which we rent. The Voluntary Fund rents it. We have had meetings at the Teamsters' hall which are, again, no meetings, let me state, no meetings of the membership ever took place at our union hall. It is too small. We have our offices there, and a school. We have never had any union meetings at our hall.

Q. Now, sir, on the date in October, the first two weeks of October, 1963, would you say that in-towners and out-of-towners were present? A. Yes.

Q. How did the out-of-towners vote on this increase from \$1.50 to \$2.00? A. We didn't split up the Voluntary. We took a vote as all contributors. They all voted indi-

vidually. To us there was no distinction between out-of-town-ers or 502 members. [1,047] They were all contributors to the Voluntary Fund, and as such were entitled to their vote.

Q. Sir, was any out-of-towner heard to complain about the increase on that date from \$1.50 to \$2.00? A. No, sir, not to my knowledge. I never heard anybody complain at all at any time.

Q. Was there an out-of-towner present? A. Yes, sir.

Q. Can you give me one's name? A. I imagine Ullis Lane probably was present. I know a lot of them, but you hi me now cold with a specific name. I would say Lane.

Q. Ullis Lane was present? A. Uh hmm.

Q. Was he heard to complain about the increase? A. To complain. No. You asked me who was present at the meeting. There was no one complained, to my knowledge.

Q. He didn't complain? A. No, sir.

Q. Ullis Lane. Anybody else that you can remember, beside Ullis Lane? A. I feel—If you'd let me refresh my memory by some of the records, I could tell you more accurately. Right now I am a little confused as to specific names, but I [1,048] could get you a number of them that have been at all our meetings, not only that particular meeting, but a lot of the meetings.

Mr. Riddle: Yes; sir. I believe I have nothing further of this witness.

The Court: Anything else?

Mr. Randall: No further questions.

The Court: Step down.

(Witness excused.)

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Supreme Court, U.S.

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**VOLUME II  
APPENDIX**

In The  
**SUPREME COURT OF THE UNITED STATES**

OCTOBER TERM, 1971

NO. 70-74

PIPEFITTERS LOCAL UNION NO. 562, Et AL,  
Petitioners,

vs.

UNITED STATES OF AMERICA,  
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

PETITION FOR CERTIORARI FILED JANUARY 29, 1971

CERTIORARI GRANTED MAY 24, 1971



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**APPENDIX**

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